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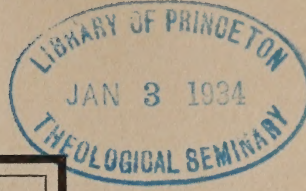
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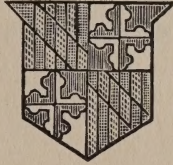
GEORGE CALVERT, FIRST LORD BALTIMORE, PROJECTOR OF THE
PROVINCE OF MARYLAND



THE FOUNDING *of* MARYLAND

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History of Maryland, Province and State
History of the United States, etc.



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To
ERNEST JUDSON CLARK
PAUL KIEFFER

*and others whose active en-
couragement and interest
have made this volume
possible*

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PREFACE

THE history of the United States of America presents a uniquely difficult theme for unified narrative. If dramatist or novelist were faced with as many as four different groups of characters, he would consider the task hopeless; yet the American historian is at the outset confronted with no less than thirteen divergent colonies. To these must be added, in subsequent chapters, new groups totaling more than two score units. Still the process is not complete, for amoeba-like, some of these units submit themselves to self-division.

Partly for these reasons, comprehensive histories of the United States do not meet with wide reading—except under scholastic discipline—so that popular taste has turned to biography. All too often, however, biographers lack the broader knowledge essential to present their respective subjects in proper proportion. Even in the field of State narratives, we find a great diversity of characters, with considerable stretches of time involved. Complaint, also, has been made that State historians, even more than the biographers, fail to grasp the larger vision that provides for interrelationships, comparisons, and contrasts essential to proportionate appreciation.

With respect to selected periods in the history of individual States, the time element is not so extended; and the characters occupying the stage are confined to two or three generations. The story of a period, moreover, especially in connection with early colonial development, presents opportunities for

detailed contributions to the general fund of historical lore, thereby affording a fresh perspective. It is such a period in the founding and development of the Palatinate of Maryland that this volume attempts to set forth.

In the preparation and presentation of this narrative the author has drawn upon the good will of a number of specialists in history and laymen who have generously read portions and, in some instances, all of the manuscript. The author extends grateful acknowledgment to the librarians of the Maryland Historical Society, and to the staffs of the Peabody and the Enoch Pratt Libraries. Among those who have patiently read the manuscript, in whole or in part, are Carleton J. H. Hayes, Professor of History at Columbia University; Arthur Percival Newton, Rhodes Professor of Imperial History, University of London; Reverend J. Elliott Ross, of the Society of the *Ark* and the *Dove*; Dr. James Beveridge; Dr. Sidney Painter; and Messrs. William H. Buckler, William B. Marye, Percy G. Skirven, Alexander Lee Tinsley, and Lawrence C. Wroth. Others who were helpful in gathering material or offering suggestions were Professor John H. Latané, of the Johns Hopkins University; Professor Robert H. Lord, of Harvard University; Judge Carroll T. Bond; Dr. H. R. McIlwaine; Mr. William P. Maddox; Professor Edward B. Mathews, of Johns Hopkins University; Mr. James W. Foster, Reverend Victor F. O'Daniel, O. P.; Mr. H. F. Powell; Professor J. Holland Rose of Cambridge, England.

CHAPTER I

ORIGINS

IN COLONIAL history the figure thirteen plays a prominent rôle. From 1607, the date of the founding at Jamestown of the first of the thirteen Anglo-American commonwealths, a period of thirteen years elapsed before Plymouth came into being in 1620. Another cycle of thirteen years passed, and in 1633 the *Ark* and the *Dove* set sail from Cowes with the founders of Maryland.

These coincidences are of no particular value unless, perchance, they help to recall the sequence of settlement. Between these three colonies, there are, however, certain relationships that must be taken into account if we are to understand the political, social, and economic development of any one of them. By way of illustration, Jamestown began its existence under the control of a stock company; and although the *Mayflower* emigrants set out under the same auspices to found the "second colony of Virginia," they reached America so far north of their designated destination that the repatriated exiles established themselves as an altogether separate self-governing unit. Again, the Jamestown settlers began on a basis of holding property and produce in common. So did the Plymouth "Pilgrims"; but when, after several years' experience, the communistic scheme had, in both cases, proved impracticable, it was, in each instance, abandoned.

Apparently, in recognition of these successive failures, the charter of Maryland, in two provisions, emphasized that the holding of private property was to be the unquestioned prerogative of all prospective citizens.¹ By way of further contrast, Maryland was founded as a palatinate or province

under the direction of an individual proprietary. As such it represented the conception of George Calvert, first of the Lords Baltimore, whose theories were put into practice by Cecil, his son and heir. The history of Maryland, therefore, may be said to begin with the life and times of the elder Calvert; so that a preliminary review of the Elizabethan epoch is essential in order properly to pursue the reasons for the establishment of the first of the proprietary provinces in America.

The early historians and biographers differ as to the date of the birth of George Calvert; but since it is recorded that in 1594 he matriculated at Oxford "*annor xiv*," it is reasonable to assume that he was born in 1580. Elizabeth was then in the twenty-second year of a reign that was rendered the most distinguished in English history, not only by reason of her own masterful qualities, but also by virtue of the ability of her counsellors and the concomitant brilliance of the golden age of English letters, which continued well into the reign of her successor.

George Calvert, son of a Yorkshire squire, grew to manhood in the midst of an aroused and imaginative nationalism—the awakening of the British people to a realization that, if they would keep pace with rival nations, they must play a part in the development of the New World, hitherto dominated by Spaniards, Portuguese, and French. This new sense of direction was eloquently set forth by Samuel Daniel, historian and poet, in whose "Defense of Learning" the practical man of affairs, *Philocosmus*, thus scoffingly challenges the student, *Musophilus*:

Is this the walke of all your wide renowne,
This little Point, this scarce discernéd Ile,
Thrust from the world, with whom our speech unknowne
Made never any traffike of our Stile?
Publike societie and commerce of men
Require another grace, another port;
This Eloquence, these Rymes, these Phrases then,

Begot in shades, doe serve us in no sort;
 Th'unmaterial swellings of your Pen
 Touch not the spirit that action doth import.

To which *Musophilus* replies:

... Who, in time, knows whither we may vent
 The treasure of our tongue? To what strange shores
 This gain of our best glory shall be sent?
 T'enrich unknowing nations with our stores
 What worlds in th'yet unformed Occident
 May come refin'd with accents that are ours?
 Or, who can tell for what great worke in hand
 The greatnesse of our stile is now ordain'd?
 What powrs it shall bring in, what spirits command,
 What thoughts let out, what humours keepe restrain'd,
 What mischief it may powrefully withstand,
 Ahd what faire ends may thereby be attain'd?²

Addressing himself to the same theme, Sir Francis Bacon, statesman and philosopher, observed: "It is with the kingdoms of earth as it is with the kingdom of heaven; sometimes a grain of mustard seed proves a great tree." Bacon and Daniel employed a linguistic medium then known intimately to about three million souls; but in the course of three centuries "the treasure of our tongue" encircled the globe, as the original three millions of English-speaking people expanded a hundred fold in the most remarkable evolution of its kind in history.³

During Calvert's youth, it seems that no English writer of note failed to refer to the lure of the Atlantic and the lands that lay beyond. The list is a long one, of whom a few only may be mentioned, led by Edmund Spenser, forerunner; after whom came Michael Drayton, composer of the ode that marked the departure for Virginia of the *Sarah Constant*, the *Goodspeed*, and the *Discovery*; and Samuel Daniel, in common with Shakespeare, a protégé of the Earl of Southampton, himself co-founder, with Sir Edwin Sandys, of Virginia.

Others were Ben Jonson, who, with John Marston and George Chapman, fell afoul of the wrath of James I, for reasons set forth below; John Donne, member of the Mitre fellowship and a stockholder in the Virginia enterprise; Sir Francis Bacon, who aided in drawing up the Virginia charters of 1609 and 1612; the gifted but unfortunate Sir Walter Raleigh; and William Shakespeare, whose genius translated the prosaic labor of colonization into the plaything of supernatural powers. Bearing these things in mind, *The Tempest* is revealed as a semi-allegorical reference to the most romantic and remarkable incident associated with the early settlement of British America; and the descriptive terms employed by the survivors of Admiral Somers' flagship, wrecked upon the "still vex't Bermoothes," are adorned with the imagery of the poet. Shakespeare did not, it is true, imply the purposes of Admiral Somers, Captain Newport, and Governor Gates. For this restraint he had political and personal reasons. On the other hand, it is evident that he paraphrased the names of several on board the *Sea-Adventure*, as in the case of "Stephano," sojourner for a time at Jamestown; and destined to become a founder of New Plymouth and the father of Oceanus Hopkins, born on board the *Mayflower*.⁴

The dramatist's avoidance in the case of the purposes and personages concerned in the wreck of the ship that bore the first charter to Virginia was, it is fair to assume, inspired by the fears of James I concerning over-much publicity for a colony established in defiance of the claims of Spain. As the struggling successor to sundry failures, the infant settlement was as yet scarcely able to support itself, let alone drive off invaders. Because of certain political references, or inferences, in previous dramas, Shakespeare had been burned in the fire of Elizabeth's displeasure; whilst his fellow-dramatists, Marston, Jonson, and Chapman, had involved themselves in serious trouble with his Majesty for publishing the

possibly humorous suggestion that if the King's brother Scots would but betake themselves to Virginia, "Wee shoulde finde ten times more comfort of them there then wee doe heare"! Hence it was that the great playwright had learned to be discreet, whilst complaining of "art made tongue-tied by authority." At least the fancy is worth considering that Miranda was intended to personifying the virgin continent, and Ariel the spirit of liberty set free in America.⁵

The alleged self-sufficiency of the modern Britisher who lamented that Europe had been isolated by the severity of Channel storms is not borne out by expressions of an elder day. In 1622, John Donne, Dean of St. Paul's, modestly compared Great Britain to a stepping stone to better things; for in the presence of the Virginia-London Company of which he had become a member, he declared: "You have made this Island, which is but the suburbs of the Old World, a bridge, a gallery to the New." In poetic imagery, Drayton had drawn a similar comparison in honor of the first colonists:

You brave heroique minds,
Worthie your countries name,
That honour still pursue,
Goe and subdue,
Whilst loyt'ring hinds
Lurk here at home with shame!

Incidentally, this poem, "To the Virginian Voyage," presents a remarkable composite of current colonial concepts. The fourth stanza refers to the prospect of gain through the discovery of precious metals, of which His Majesty was always to get his percentage, albeit the royal exchequer vouchsafed not a farthing towards the adventure. This is followed by a fair description of the bountiful gifts of nature provided by the virgin land and its waters—"fowl, venison, and fish," with "the fruitfulest soil," "the ambitious vine," with "his purple mass," the "cedar reaching high,"

"the cypres, pine, and useful sassafras." The "useful sassafras" was loaded upon the first ships returning to England. It offered an American rival to the tea leaves of Cathay.⁶

The frequent references to America in the writings of more than a score of well-known English writers must have, from the first, attracted the attention of a studious youth such as George Calvert, by whom life was taken seriously, whether in travel, in recreation, or the midst of a successful career at Court. In this category of contributors, there was Richard Hakluyt, who, in modern terms, may be called the leading press agent of transatlantic expansion. "A good trumpet," wrote Sir Philip Sidney of this pioneer expert in publicity. Rivaling, in some measure, Hakluyt's contributions were those of the Reverend Samuel Purchas, who became his literary executor. Drayton aptly recognized the services of the former when he wrote:

Thy voyages attend,
Industrious Hackluit,
Whose reading shall inflame
Men to seek fame,
And much commend
To after-times thy wit.

Of all the explorer-writers, Raleigh's half brother, Sir Humphrey Gilbert, was, perhaps, the most ingenious. His theories were propounded in all sincerity; for he staked—and lost—his life in putting them to the test. By sheer processes of reasoning he "proved" that there was a practical northwest passage to China; but his faith, even to the extent of mortgaging his estates, could not move a continent; and a boisterous sea enveloped the author of the argument. Calvert, in his early colonization plans, was attracted to the trail of Frobisher and Gilbert in the North rather than that of Raleigh in the South. Newfoundland had been the first land discovered and claimed for the English. The father of Catherine Howard, beheaded queen of Henry VIII, had considered

settlement there; and because Armagil Waad, subsequently clerk of Elizabeth's privy council, had in 1536 made a voyage to Cape Breton, he was called the "English Columbus."

The enthusiasm for "selling" America was not confined to men; women also were interested in singing the praises of the new country. Virginia, strong-minded sister of John and Nicholas Ferrar, at whose house many meetings of the Virginia-London Company were held, demonstrated that a troop of horse and foot could make a pleasant march westward from the Chesapeake and, in ten days' time, bathe in the waters of the Pacific. Apparently, she was suggesting week-end diversions for prospective colonists who feared boredom on their American plantations. In any event, Miss Ferrar's demonstration was less difficult to follow than the involved logic of Gilbert in the matter of the Northwest passage. To establish her thesis she produced a clear-cut "mappe" from which the Mississippi Valley, the mid-western prairies, and the Rocky Mountains were conveniently eliminated.

Thomas Hariot, scientist of distinction, "attended the untutored wilderness" at Roanoke Island; but whether his erudite researches in America stimulated action or not, it is interesting now to know that this early visitor survived the voyage to become famous in the realm of mathematics as the inventor of symbols still in use wherever algebraic formulae are taught. Hariot's scientific brief was reduced to popular terms by Raleigh; and his return signalized the appearance and early importance in England of the potato root and the tobacco leaf. An artist, also, John White, Governor of the settlement, executed a series of paintings of Indian customs and of American scenes. These pictures were taken back to England and are reproduced to-day as excellent early illustrations of Indian life.⁷

Subsequently, Jamestown attracted George Sandys, author of the first English literature composed in America—an excellent translation of Ovid's *Metamorphoses*. Since the

title page of the first edition states that the verses, "Englished" at Jamestown, were "imprinted" at London in 1626, this fact made it at least possible for Lord Baltimore to have taken with him a copy to America for the library of the great mansion he had caused to be constructed at "Avalon," his first colony, of which a few half-buried bricks still remain on the southern coast of Newfoundland.

Captain John Smith's narrative of world adventure, consisting of sundry quaintly phrased descriptions, of sheer romance in part, and of unjust reflections upon his comrades in Virginia, was doubtless familiar to George Calvert. In any event, Smith's remarkably accurate maps were invaluable, even if his penchant for personal boasting makes his "historie" unreliable in its references to his associates.⁸ Governor Bradford's narrative was doubtless unknown to Calvert, being set down privately at "New Plimouth." First-hand information from such a source concerning the Massachusetts winters might well have warned the prospective victim against a venture still farther north.

During Calvert's youth, the period of discovery, in so far as exploration of the North American coast was concerned, had about passed; but there still existed speculation as to western trade routes to the Orient. All these things must have made strong appeal to the mind and heart of the growing Yorkshire boy; and with the return of English voyagers and explorers, there came amazing stories from America, so much so that ultimately the phrase, "travellers' license" was freely applied to the tales that were told. Hakluyt, as the most persistent of those who advertised the virtues of America, accepted about all that came to his attention—as, centuries before, Herodotus had done with respect to the unknown continent of Africa.

From time to time, it was convenient for George Calvert to view captive red men from America, and at least he must have heard of the Eskimo pair brought back by Captain Fro-

bisher, since portraits of these American aborigines were made for the Queen herself.⁹ Unfortunately for the "salvages," there was a sordid phase to these overseas contacts; and, let it be noted, the American side-show had its prototypes in England in the sixteenth and seventeenth centuries. For purposes of exhibition, an Indian was always worth something, even in times of depression; and Shakespeare caused Trinculo to observe, on sight of Caliban: "Were I in England now, (as once I was), and had but this fish painted, not a holiday fool there but would give a piece of silver; there would this monster make a man; any strange beast there makes a man; when they will not give a doit to relieve a lame beggar, they will lay out ten to see a dead Indian."*

Like children at circus or zoo, the English people, from peasants to courtiers, were interested in seeing birds, animals, and even fish from the New World, especially since, by dint of constant references in contemporary literature, there was being developed a national sense of proprietorship in them. The caging of a red bird in his American Palatinate became a matter of animated correspondence between Cecil Calvert, Lord Baltimore, and Leonard, his brother, Lieutenant-Governor of Maryland. Flying squirrels were a special delight, also the raccoon and the opossum. On the other hand, captive polecats were not popular; nevertheless, the tales that were told of this strange animal did not grow less *in absentia*. If a voyager went to look for the animals spoken of by others and did not find them, he, nothing daunted, furnished excellent descriptions of bigger and better beasts.

George Calvert was brought up upon the thrilling tales of adventure on the high seas, illustrated by the individual triumphs of those who preyed upon the New World usufructs of Spanish dominion. Among these bold mariners, fighters,

* Optimistic expectations were entertained that when the American red men were civilized and subsequently clothed, a new market would be had for the surplus wool that lay heavy on the hands of a Christian people.

and explorers were Hawkins, Frobisher, Drake, and Davis. "It was Elizabeth's privilege to reap the fruits of public peace, while her subjects gleaned the spoils of private war."¹⁰

Simultaneously with the first efforts of English colonization came the two-year threat and final overthrow of the Spanish Armada, a severe blow to the prestige of Philip II. As in the case of Napoleon, some two centuries later, only a small island realm lay between him and the control of the sea. In fact, two worlds appeared to be within the Spaniard's grasp, but for the narrow extent of the English Channel. In 1588, the future projector of Maryland was old enough to share the anxieties of the Yorkshire household, as all England awaited the news of the maritime conflict, though a boy of eight could hardly realize how defeat would affect the fate of old Britain and ruin the prospects of the New Britannia, which was sustaining its first failure at Roanoke. He must, however, have listened to the raging of the storm that completed the damage done to the huge Spanish galleons by British sailors in smaller, but far more mobile craft,—incidentally, a combat which marked the beginning of a new era in warfare on water. In its day the change was as distinctive as that brought about more than two centuries later by the destruction visited upon the Federal fleet at Hampton Roads by the Confederate *Virginia* (*Merrimac*); and, on the following day, by the duel between this ironclad and the Federal *Monitor*. Up to and through the battle of Lepanto in 1571, naval warfare had been largely confined to galleys firing directly ahead rather than by broadsides. These small vessels, largely propelled by oars, were regarded as military conveyances for trained soldiers rather than for the maneuvering of skilled seamen. But, as New World trade developed, there arose the necessity for vessels equipped for endurance over great distances. England was the first country to develop the true warship, as America was the first to invent and use the ironclad.

The career of Elizabeth reached its zenith in the defeat of the Invincible Armada. Much of her attention was given to enhancing the power of the Crown. Even while she lived, political parties were being formed—one composed of the upholders of the prerogatives of Tudor rule; and the other a “popular” group that, at the risk not only of livelihood but of life itself, was to assert the doctrine that sovereignty had its true origin in the people—at least in the propertied or responsible classes. Anyone who aspired to public leadership must choose between the two, always, of course, allowing for the moderates, who, in times of crisis, played the rôle of mediators.

It was under these conditions that George Calvert deliberately prepared himself for a public career. At the start, he selected and trod the path of preferment, and he never abandoned his adherence to the theory of royal prerogative. On the other hand, after obtaining high objective in the service of the Crown, he gave up his office and risked all he had, evidently at the instance of strong convictions and of high ideals. In any event, he was, in political controversy, always a moderate, striving or hoping for peaceful compromises, without sacrificing basic principles. He early saw service under Sir Robert Cecil, Secretary of State under James I, to whose high office he was destined to succeed; and Sir Robert was the second son of William Cecil, Lord Burghley, who was handsomely endowed with that rare sense called “common,” involving a keen insight into human nature. Burghley, full of worldly wisdom, was the chief adviser of Elizabeth; and, after forty years, made way for his son to become heir to his position and influence. Whilst Elizabeth was facing the end of her career, this foresighted son successfully laid the plans for the succession of James Stuart and the union of the crowns of England and Scotland.

The European background upon which the career and ideas of the Projector of the first of the proprietary colonies

in America was based is not complete without an account of the changing economic conditions of the age. In the latter part of the sixteenth century, the people of England were going through the throes of a national depression, with its usual accompaniments in overproduction and unemployment. Although a substantial and respected squire, George Calvert's father was a grazier without the ranking of a peer of the realm, a fact that was later thrown into the face of his grandson Leonard by partisans of his American rival, Captain William Claiborne. Graziers also were in distress, by reason of conditions to which they themselves had contributed. Lands which had for generations been used for agricultural purposes lay fallow for the benefit of flocks of sheep. The cry went up, as it has done recurrently before and since, that one man was doing the work of many. In scores of instances, a shepherd and his dog had taken the place of a hundred or even several hundred tillers of the soil. Villages had been wiped out and commons turned into enclosures.

Government costs had mounted greatly. Crown expenditures alone had increased steadily from some £56,000 a year at the close of the reign of Henry VIII to between £350,000 and £500,000 in the last year of Queen Mary's. Under Edward VI debasement of the coinage, chargeable, in part, to the change in the value of money owing to the influx into Europe of Mexican and Peruvian silver, had produced its train of financial ills. Since the government, or the royal exchequer, spent more than its income, the budget was not balanced, with disastrous results in the form of burdensome interest charges on what might be considered the equivalent of modern government bonds. After the passing of Mary, the economies and careful management enforced by Elizabeth and her faithful minister, William Cecil, reduced the expenditures of the Crown by about two-thirds; the debased coinage was called in; and the government's financial condition improved. On the other hand, Elizabeth granted sales monop-

olies, on necessities as well as luxuries, to many of her favorites; so that increased prices in some commodities created, at times, widespread hardship and distress.

As a result of the ruthless process of enclosing land for grazing purposes, there was a menacing increase in vagrancy and crime. The severer the laws passed with a view to preventing these evils, the worse they became, until Parliament eased the situation by admitting the obligations of society towards the unfortunate, and by devising a system of relief. Sir Francis Bacon, who, at times, raised his voice for reform and, on other occasions, argued for unjust privileges and governmental abuses, was one of those who attempted to check an economic development by dint of special legislation; in 1598, he advocated acts of Parliament to restrict the creation of inclosures and to restore husbandry; but legislators, in every age and clime, are slow to learn, from the precedents of recurrent failure, the rudimentary lesson that governmental fiats are futile when issued in defiance of the natural laws of supply and demand; or for the purpose of changing the course of economic trends; or yet with a view to curbing, by the wholesale, habits as to food, drink, or wearing apparel.*

The failure on the part of many American historians to appreciate the significance of the expansionist urge so powerfully reflected in the writings of the Elizabethan epoch is excellently illustrated by a passage in a popular text-book,

* His earnest effort to enforce the sumptuary legislation of Henry VIII was the immediate cause of the downfall of Cardinal Wolsey. "The reign of Elizabeth marked the zenith of sumptuary legislation in England. Very soon after her death Parliament passed an act which in one short paragraph undid all the work of the preceding centuries. . . . As Blackstone puts it, 'Formerly there were a multitude of penal laws existing to restrain excess in apparel . . . ; all of which were repealed by 1 James I, c. 25.' This statute declared 'that an act made in the four and twentieth year of the late King Henry the Eighth for reformation in excess of apparel; together with another act bearing the same title, made in the first and second years of the reign of the late King Philip and Queen Mary and all other acts heretofore made concerning apparel . . . shall . . . henceforth be repealed and void.'"¹¹

in which the author, professor of history in one of the largest American universities, assigns four "chief objects" for the beginnings of English colonization: "To break the Spanish monopoly of commerce in the New World; to discover gold and other precious commodities; to find a passage to the Indies; and to afford relief to those who were hard pressed by the rising rents and prices in England."

A careful study of contemporary evidence shows that all four of these "chief objects" are corollaries to the national determination to develop British dominion beyond the seas, a motive that is altogether omitted. This determination is aptly set forth in the expressions of Gilbert and Raleigh, who not only wrote history for the public to read but also made history for historians to record. The former has been previously quoted with respect to American colonization; and among English historians of distinction, Professor Pollard has offered perhaps the best summary of the views of Gilbert, who, he says: "Sounded that note in English enterprise which was in time to dominate all the rest. Piracy, slave-hunting, gold-seeking, war with Spain, and arctic exploration were incidents in the building of the empire; its foundations were colonies."¹²

In an analysis of this period, any effort to treat economics, politics, and religion as separate topics is preordained to failure, for each is inextricably intertwined with the other two. In this connection, the poet Drayton will again be called upon to furnish the theme, which is comprehensively summarized in these lines:

A thousand kingdoms will we seek from far
As many nations waste with civil war. . . .
And those unchristened countries call our own
Where scarce the name of England hath been known.

"Unchristened countries" to be appropriated as "our own" were populated by heathen people unable to enforce respect for their tenets, or tenure. The American Indian, for instance,

standing in the way of colonial expansion, was to be brushed aside to make way for a superior civilization. On the other hand, when the warlike Tartars interfered with British trade, the land of the Great Khan was not a territory, however infidel, to be called "our own." In this period of expansion, trade was inaugurated with Russia; in the Baltic; in the Levant; and with the semi-barbarous peoples of North Africa, to whom, in time, the leading powers of Europe came to pay annual tribute in order to insure their merchant marine against piracy—until Thomas Jefferson sent forth the infant American navy to bring the corsairs to terms. Also, there was the powerful East India Company, destined to become a factor in breaking the bond of union between the mother country and her colonies in America. So by reason of the arts of trade and commerce, "a thousand kingdoms" were sought; but the most notable examples of empire building came through the slow processes of colonization in the Promised Land of North America, poetically described as "Earth's Only Paradise".¹³

"*As many nations waste with civil war*" discloses a major policy of Elizabeth's reign that changed England from a provincial status into a power with which all the nations of the world had to reckon. First of all, Spain was to be diminished; so Elizabeth flattered Philip II at Madrid whilst she aided and abetted his enemies in the Netherlands. That was "civil war." In turn, France was to be lifted up as a check on Spain—on the continent, but put down and cut out as the principal and hereditary ally of the Scots nearer home. And lest France should, in time, become too strong, there were the Teuton states to be cultivated in the region of the Baltic sea. Drayton summed up this triple-headed enterprise of world-wide import in just seven words!¹⁴

But no discussion of political or economic conditions preceding and accompanying Calvert's entrance upon the scene, is complete without taking into account the influence of

religion, or the forms thereof. Here it is necessary to refer to the year 1493, when Pope Alexander VI divided the New World between Spain and Portugal.¹⁵ At that time, England, more or less isolated, still owed ecclesiastical allegiance to the Roman hierarchy, with the customary temporal implications. Nevertheless, Henry VII, in addition to jotting down in his account book the ten-pound reward to John Cabot, made definite claims to those portions of the New World discovered by Columbus' fellow-navigator, fellow-countryman, and quondam competitor for the honor of attempting the first transatlantic voyage. Henry VII had raised no open issue with the Vatican; but, in 1561, on Elizabeth's behalf, Burghley told Philip's representative that partitioning the temporal world was not the prerogative of a spiritual guide; as, indeed, did the King of France.

Subsequently, the representative of Philip II wrote his master that heretics had multiplied greatly in the southern seaports; and the proselyting power of lucrative enterprise was further illustrated in the matter of the trade begun with the Turks. In short, what was prohibited by papal bull as sinful dealing with dangerous infidels was taken up with avidity by the Protestant subjects of Elizabeth, who made the pleasing discovery that, in Constantinople, base materials like lead or tin had a selling value approximately that of the silver bullion which Aztec and Inca were forced to yield to their Spanish conquerors. Whilst the North American Indians were, from time to time, given consideration in the matter of saving their souls, the spiritual aim was somewhat adulterated by the prospect of material returns; for instance, the versatile explorer, John Davis, wrote to Walsingham that if the "salvages" were once converted to the Christian faith, "they might soon be brought to relish a more civilized kind of life and be thereby induced to take off great quantities of our coarse woollen manufactures." It is not difficult to imagine that the suggestion appealed to Leonard

Calvert, the Yorkshire grazier; although it seems to have been only a coincidence that subsequently his grandson and namesake, the first Governor of the Maryland Palatinate, endeavored to persuade the "naturals" to adopt a full measure of the Englishman's apparel. In fact, the early records disclose that, for a while at least, the Indians of southern Maryland wore a greater variety of dress goods than any of their contemporaries in North America.

With the passing of the last monarch of the Tudor dynasty we come to the accession of James I, whose reign was to see a marked loss in the prestige Elizabethan England had gained in European affairs. By way of compensation, however, the first of the Stuart kings was to see the beginnings of colonial enterprise in Virginia and New England. Here, too, we note the beginning of the diplomatic career of George Calvert, whose patron, Robert Cecil, played a prominent, if not an essential rôle in preparing the way for the undisputed coronation of Elizabeth's successor. James' progress from the Scottish border to London was deliberate. He was warmly welcomed by those who felt that Elizabeth's hands had become unduly heavy and who expected a more liberal policy on the part of the new sovereign. It may be observed that Shakespeare did not, on the passing of the Queen, "drop from his honied muse one sable tear." Nor did he break his silence until Elizabeth's successor had loosed from the Tower his noble patron, the frequently impetuous, but always public-spirited Earl of Southampton. Only then did his honied muse make a definite reference to the "eclipse of that mortal moon."

Throughout this journey, James was in fine spirits; for one thing, he pictured himself as departing from a kingdom of comparative poverty to one of plenty. On the way to London he lavished titles in profusion and by the roadside knighted not a few of those he chose to favor.¹⁶ Upon reaching Sir Robert Cecil's ample estates, it is reasonable to assume he

met George Calvert, already become confidential aide to his patron who was, at this time, his Majesty's host in the most notable entertainment of the royal progress.

James entered the city of London by way of Aldersgate, which point he subsequently memorialized with appropriate text from Holy Writ: "And Samuel said unto all Israel, Behold, I have hearkened unto your voice in all that you have said unto me, and have made a KING over you." However, by a strange twist of fate, it happened that within a stone's throw of the royal arch stood the house of Sir Edwin Sandys, destined, in a few years, to be designated by James as his "greatest enemy." Sandys was then the leader of the Virginia-London, Company, the principal founder of representative government in America, and the foremost advocate of the repatriation of the exiled Separatists sojourning in the Netherlands, known to fame as the "Pilgrim Fathers." At the same time Sir George Calvert was a member of the Virginia-London Company and the representative of the Court group. In their public capacities Sandys and Calvert necessarily clashed; and yet, while the opponent of the King's autocratic policies was to establish representative government in the colony of Virginia, the monarch's confidential adviser was ultimately to outline a plan to establish religious liberty in the Maryland Palatinate, albeit the completion of the latter purpose fell to his son and heir.

CHAPTER II

THE FIRST VENTURE

REFERENCE has been made to George Calvert's matriculation at Oxford in 1594. Three years later he was graduated as a Bachelor of Arts; and in 1605, he was given the degree of Master of Arts in company with Sir Robert Cecil, subsequently created Earl of Salisbury; and the Earls of Oxford and Northumberland. Engaged by Cecil as secretary, Calvert was described as "a forward and knowing person" in matters relating to affairs of state. After his appointment as clerk of the Privy Council in 1608, he sat in Parliament the following year for Bossiney, Cornwall. Subsequently he sat for Yorkshire in 1621, and for Oxford in 1624. In 1617 he was knighted for public services; and in 1619 he was appointed one of the principal secretaries of state, which office he resigned in 1625, thereafter to give his attention to pushing his plans for the establishment of a plantation in America.

In passing upon the events of the seventeenth century in general and the career of the Calverts in particular, it is essential to bear in mind that the people of European nations were forced to conform to this or that profession of faith, or be rated as rebels; and that the rivalry of monarchies became identified with their respective forms of worship. Hence, it was sincerely believed by English Protestants that the church upheld by France and Spain must be held down or suppressed in Britain; in Spain and France a somewhat similar conception prevailed, with the relationship reversed.

When James ascended the throne of England, dissenters from the Anglican form of worship felt that they would be

shown unusual favor for the reason that Presbyterianism had been established in Scotland; but the Scottish monarch had tolerated the Calvinists under compulsion. To James the ideas of the Puritans were most obnoxious, especially when they came to constitute a great part of the opposition in Parliament. "If," observed his Majesty, "you aim at a Scottish Presbyterian, it agrees as well with monarchy as God with the devil."¹

As the early hopes of the Protestant dissenters were doomed to disappointment, so likewise were those of the Catholic recusants. The fact that a Jesuit and another priest, imprisoned by Elizabeth, had revealed a plot against James I, soon after his coronation, led the king to promise a Catholic delegation a general remission of the heavy fines under which they had been laboring. But according to British annalists, his Majesty felt the need of funds, and the fines imposed upon the Catholics had become a valuable source of revenue.² Subsequently, in addressing Parliament, James declared that while he wished to be lenient to papists, especially laymen loyal to the government, their clergy were not to be permitted to assert the theory of the superior civil jurisdiction of the Pope; and he further declared that Catholics were not to proselytize the Protestants and become numerous enough to endanger the safety of the established Anglican church. Other plans to overthrow the government—among them the famous gunpowder plot—were laid to Roman Catholic connivance; so that even while James was encouraging Prince Charles in the latter's suit for the hand of a princess of the House of Hapsburg, the prosecutions of the Catholic recusants in England were renewed, after but a brief suspension.

In 1612, the Earl of Salisbury died. Sir Thomas Lake succeeded to the office of Secretary of State; but he was removed on the charge that confidential information of public import had been disclosed through the indiscreet talk of Lady Lake. Next in line was Sir George Calvert, but his

Majesty first questioned him closely concerning Lady Calvert, after warning him of the example made of Sir Thomas, whose wife and daughter he compared, respectively, to Eve and the serpent.³ Hence it was that George Calvert became a principal Secretary just at the time of the planning of the second Anglo-American colony at Plymouth.

It will be recalled that in 1609 Calvert had become a subscriber to the London, or Virginia, Company.⁴ This was but two years after the founding of Jamestown and the year of the grant of its first charter; also in 1621, one year after the founding of Plymouth, he was admitted to membership in the New England Council, shortly thereafter receiving a grant in Newfoundland. Furthermore, the young diplomat, so successfully pursuing his advancement in affairs of state, had neighborhood associations with fellow subjects, who were to play important rôles in the colonization of America. For example, Sir Edwin Sandys had become the guiding spirit in the promotion of the Virginia venture; Sandys' father was the Archbishop of York; while Sir Samuel Sandys owned an estate near Scrooby, on which William Brewster, subsequently spiritual guide of the "Pilgrim" enterprise, was a tenant.

Whatever may still be undisclosed with respect to the personal relationships of men who made history in fashioning the fate of the "new nation," the fact remains that George Calvert entered into the duties of his office on the first of February, 1619; and one week later we find him addressing a letter to Sir Dudley Carleton in the Netherlands, in which the Secretary promptly inquired concerning the proposed emigration of certain Walloons and French "of the reformed religion" who were desirous of emigrating to North America. Calvert referred the problem to Sir Edwin Sandys and the latter responded favorably to the desire of these people to settle in Virginia—not, however, as a separate unit, as proposed by them, but in family groups. Ultimately, the Wal-

loons settled in New Amsterdam, under the auspices of the Dutch West India Company, thus shaping the beginnings of what was to become the colony of New York.⁵

Of these negotiations the records are extant; but, unfortunately, there is still missing, like the lost patent of the Pilgrims, documentary proof of Sir George Calvert's probable connection with the group of English dissenters in Holland, simultaneously seeking a haven in America. Through two of their number, the exiles sought permission of the London Company to repatriate themselves in Virginia. These two, Cushman and Carver, first appeared on this mission early in the fall of 1617, nearly two years before Calvert had succeeded to the secretaryship. While Sandys sanctioned the plan, Sir Edwin was in disfavor at Court and the negotiations seemed hopelessly to lag—until Calvert's appointment. Very shortly thereafter, the Separatist plea was granted. The logical inference, for which more than circumstantial evidence may yet be found in the form of documentary proof, is that Calvert was the successful intermediary for the repatriation of those whom James I had vowed to force into conformity. In any event, it is inconceivable that in his official position he did not know all about the negotiations and urge the approval of his Majesty. It was one of the favors he would be most likely to do for his fellow members of the Virginia Company.

The next task in the line of duty for Secretary Calvert must have been a distinctly disagreeable one. Mention has been made of the formation of political parties—not in the modern acceptance of the term, but in the sense of a split in public opinion between the supporters of the king, on the one side; and, on the other, those who held that the representatives of the people should have a more active share in the direction of state affairs. Calvert had elected to go with the Court party and was now the trusted and confidential emissary of the king. Sir Edwin Sandys was a leader of the

popular faction in the Virginia Company and one of the principal advisers of the group in Parliament who were seeking to end administration abuses by the exercise of constitutional checks upon arbitrary power. Of Sir Edwin, Eggleston has aptly observed: "It was not deemed wholly safe to suffer so robust a thinker as Sandys to be always at large; and it was one of Calvert's most difficult duties, as the king's secretary and chosen intermediary, to explain to Parliament why its leader was under restraint."⁶ In the Journal of the House of Commons there may be found sundry references to Sandys. These are brief but highly significant; *e.g.*, on the 30th of November, 1621, it was recorded that the House "misseth Sir Edwin Sandys, moveth we may know what is become of him." Again, on the 11th of December, the House appointed a Committee to go to the home of Sandys in Kent, where he was then confined by royal mandate, to "see what state Sir Edwin Sandys is in, and if he is sick, indeed, to return his answer." Illness was evidently the reason assigned by the Court for Sir Edwin's absence; so when Secretary Calvert endeavored additionally to explain that the popular leader had not been "committed" by the king for anything said or done in Parliament, a member moved that the statement should be formally entered in the Journal—to which the "note-taker" added: "The House will scarce believe Mr. Secretary, but thinketh he equivocateth."

Although his Majesty could not control Parliament as he would, he directed his Secretary of State to proceed with the dissolution of the Virginia Company, which was, in 1624, done under *quo warranto* proceedings. Nevertheless, Sandys and his associates had already accomplished a primary purpose—the establishment of local self-government in Virginia. That great stride towards representative democracy might be circumscribed, for a while, but not revoked. And what was established in Virginia was to be established in varying forms in no less than thirteen such political entities in

America. If George Calvert had actively disapproved of the Virginia idea, it seems he would not have inserted a somewhat similar plan for self-government in the charter of his Maryland Palatinate.

Shortly after the date of the dissolution of the Virginia-London Company, we note, in 1625, Calvert's conversion to the Roman Catholic faith. This change of spiritual allegiance caused him to resign his high office and greatly strengthened his desire to found a successful settlement in America, which, in Newfoundland, he had already begun. Calvert had previously been interested in colonization in general, and his settlement in Newfoundland in particular, solely on political, social, and economic grounds. To these interests was now added, no doubt, the desire to develop a haven for English Catholics oppressed by the regulations of the Anglican church and state. The sanctuary idea was common to several plantations, notably those at Plymouth and Massachusetts Bay. In the plan of George Calvert, however, there is this important difference: There was no intention on the part of the founder to set up a colony *for co-religionists only*; but to attempt the great experiment of establishing a refuge where all "opinions" might worship at peace with one another.

As to his change of faith, it is difficult to discover any grounds for agreement with those commentators who have taken occasion to judge George Calvert harshly—in assigning mercenary or political motives, as, for instance, that "Calvert entered the Church of Rome simultaneously with the mother of the powerful Duke of Buckingham."⁷ On the contrary, Calvert prepared to give up all the political preferment he had so hardly won. Having resigned his high office, he expressed a wish to retire wholly to private life. James I—greatly to his Majesty's credit—urged him to continue. On Calvert's final refusal, his Majesty insisted on retaining him as a member of the Privy Council, whilst simultaneously raising him to the peerage as Baron Baltimore, of

Baltimore, County Longford, Ireland. But James himself had reached the end of his career; and when his son succeeded to the crown as Charles I, Lord Baltimore took the occasion to resign from the Council, albeit Charles offered to dispense with the oath of supremacy, embracing the royal claim of overlordship in spiritual as well as temporal matters.

In 1623, the reports from Avalon were good, and of his settlement Sir William Alexander wrote that its start was in happy contrast with the beginnings of Jamestown and Plymouth.* Certainly there must have been a milder season there, if what Sir William reported was correct in that: "Mr. Secretary Calvert hath planted a colony at Ferryland, who both for building and making trial of the ground have done more than was performed of any in so short a time, having on hand a brood of horses, cows, and other bestials, and by the industry of his people he is beginning to draw back yearly some benefits from thence already." Shortly thereafter a less optimistic note is struck by Baltimore himself, when he wrote to Sir Thomas Wentworth: "I must either go and settle it in better order, or else give it over, and lose all the charges I have been at hitherto, for other men to build their fortunes upon. And I had rather be esteemed a fool by some, for the hazard of one month's journey, than to prove myself one certainly for six years bypast, if the business be now lost for the want of a little pains and care."†

The proprietary of the Province of Avalon had ordered the construction of granaries and other storehouses; and for his own residence, what seems to have been the largest, and probably the most pretentious, house in British North America.

* *Avalon* (Newfoundland), named after the traditional place of the "first fruits of Christianity in ancient Britain," or the legendary Elysium of King Arthur.

† In the matter of George Calvert's decision to settle in Avalon, Lawrence C. Wroth, author of a number of invaluable monographs on Maryland history, has suggested the influence of the long-sought Northwest Passage; since Lord Baltimore must have realized that any colony placed upon the route of Atlantic-Pacific trade would be set in a highly strategic position.

After a brief visit in the summer of 1627, he returned the following year with some forty new settlers and his wife and family, with the exception of Cecil, who was employed in looking after his father's estates in England and Ireland.

Lord Baltimore was now ready to take possession and personally manage the colony which he had planned with hitherto unequalled pains and care. Possibly no creative spirit was ever to suffer a more bitter disappointment. Averse to disputation and longing for peace, he was, upon his arrival, forced into open warfare, not against the "naturals" of the new world with their bows and arrows, but against the nationals of a powerful European monarchy. So with strong appeal to one's sympathies, he writes to the Duke of Buckingham: "*I came to build, and settle and sow; and I am fallen to fighting Frenchmen.*" A lover of peace is not necessarily lacking in courage and prompt decision, and the plain unvarnished tale may in part be given in Lord Baltimore's own words, although Baltimore did not know that, only the day before, his correspondent had been slain at the hands of Lieutenant Felton. Since the letter throws no little light upon George Calvert's character and characteristics, it may profitably be quoted almost in full:

I remember that his Majestie once told me that I writt as faire a hand to looke upon a farre off as any man in England, but that when any one came neare it, they weare not able to read a word; whereuppon I gott a dispensation both from his Matie and yor Grace to use another mans pen when I write to eyther of you, and I humblye thanke you for it; for Writting is a greate payne to mee now.

One de la Rade of Dieppe with three ships and 400 men, many of them gentlemen of quality, and La Fleur de la Jeunness de Normandy (as some Frenchmen here have told us) came first into a harbour of mine called Capebroile not above a league from the place where I am planted, and there surprising divers of the fishermen in their shallops at the harbour's mouth, within a short time

after possessed themselves of two English ships within the harbour, with all their fish and provisions, and had done the like to the rest in that place had I not sent them assistance with two ships of mine, one of 360 tons and 24 pieces of ordnance, and the other a bark of 60 tons with 3 or 4 small guns in her and about 100 men aboard us in all.

These ships being discovered to move by a scout whom the French kept at the harbour's mouth, they stayed not weighing anchor, but let slip their cables and away to sea as fast as they could, leaving their booty and 67 of their own men behind them on shore for haste. We gave them chase but could not overtake them, and that night I sent a company to fetch the 67 men out of the woods, fearing that being well armed, as we understood they were, and then in desperation, they might force some boat or weak ship, or do other mischief, and the next morning they were brought unto me hither, where I have been troubled and charged with them all this summer. . . .

Your Grace's most faithful and humble servant,

"GEORGE BALTIMORE

Ferryland, 25 August, 1628.

Although able to overcome human foes, Lord Baltimore soon saw that, with the means at his disposal, he could not successfully contend with the forces of nature. The climate and soil did not favor a plantation such as he had hoped to develop and enjoy. The winter of 1628-'29 was a very severe one, and, in a letter to the King, dated 19 August, 1629, he narrates a moving story of disappointment, disease, and death. After stating his belief that an English settlement could not hope to expand and prosper in those parts, he writes:

Yo'r Ma'ty may please to understand that I have found by too deare bought experience, w'ch other men for their private interests always concealed from me; that from the middlest of October to the middlest of May there is a sad fare of wynter upon all this land; both sea and land so frozen for the greater part of the tyme, as they are not penetrable, no plant or vegetable thing

appearing out of the earth, untill about the beginning of May, nor fish in the sea, besides the ayre so intolerable cold, as it is hardly to be endured. By means whereof and much salt meate, my house hath been a hospitall all this wynter; of 100 persons, 50 sick at a tyme, myself being one; and nyne or ten of them dyed.

My inclination carrying me naturally to this kind of work, and not knowing how better to employ the poor remainder of my days, that, with other good subjects, to further, the best I may, the enlarging your Majesty's empire in this part of the world, I am determined to commit this place to fishermen that are able to encounter storms and hard weather, and to remove myself with some forty persons to your Majesty's dominion Virginia; where, if your Majesty will please to grant me a precinct of land with such privileges as the king your father, my gracious master, was pleased to grant me here, I shall endeavor, to the utmost of my power, to deserve it and pray for your Majesty's long and happy reign. . . .

Lord Baltimore's letter to Charles I offers additional points for comment with regard to the former's attitude and outlook. In this business, it would seem that George Calvert was subject to deception, despite the interest he had evinced in colonial enterprise and the information concerning America he must have acquired through his membership in the Virginia-London Company and the Council for New England. The suspicion is apparently confirmed by Lord Baltimore himself that certain men of prominence were commercially or politically interested in directing his attention to Newfoundland. Yet, while the founder of Ferryland admits being the victim of deception, and although he faced a situation more difficult for purposes of permanent settlement than did the colonists at Jamestown or at Plymouth, the record of mortality in the three plantations reflects exceptional credit on Lord Baltimore's management. At Jamestown the mortality among the first colonists was several times as great and the same may be said of the first settlers in New England. "All things," wrote William Bradford,

historian and long-time governor of the Plymouth plantation, "stand upon them with a weather-beaten face; and the whole countrie, full of woods and thickets represented a wild and savage hiew. . . . In 2 or 3 months time, halfe their company dyed . . . ; and of the rest in the time of most distress, ther was but 6 or 7 sound persons." Likewise the group of Puritans under Endicott and Higginson lost one-third of their number in the first winter season. By way of further comparison, it is interesting to note that while at Jamestown the damage done by malaria-bearing mosquitoes was perhaps the principal cause of sickness and death in that colony, it remained for Governor Bradford to make special mention of this insect in the following observation: "They are too delicate and unfitted to begin new Plantations that cannot endure the biting of a muskeeto; we would wish such to keep at home, till at least they are muskeeto proof."

The second paragraph of the Baltimore letter throws light upon Calvert's ambition to devote his time and talents to work of a public character or in the public interest; and outstanding in this case, as in so many others already mentioned, there is the ever-present aim set forth by Daniel, Raleigh, Gilbert, the directors of the Virginia London Company, and even the exiled separatists—*viz.*, to enlarge the bounds of British dominion in the New World. Abandoning, therefore, his ill-fated plantation in the far north, Lord Baltimore turned his face towards Virginia, whither in the previous year he had sent his wife and some of his children. His stay at Jamestown where he arrived in October, 1629, was marked by experiences pleasing and otherwise. Since the earlier historians of Maryland have somewhat over-emphasized the disagreeable features, it is desirable to present both sides of the shield, in the light of later findings and fuller information. For one thing it is clear that Calvert was warmly welcomed by Governor Harvey, who was an ardent royalist, especially as the Governor of Virginia recognized in Lord Baltimore a

prime favorite of the reigning Stuart king, as well as of his immediate predecessor. But if Harvey and many of his associates in authority represented the Court party, there was a group in Virginia corresponding to the so-called "popular faction," then rapidly rising into prominence and power in England. These Virginians had become strongly imbued with the theories of a self-governing representative democracy. This feeling of active independence was clearly demonstrated by the colonists but a few years later when, led, in part, by Captain Nicholas Martiau, an ancestor of George Washington, the Virginians summarily packed off to England Governor Harvey, royal appointee though he was, and proceeded to set up a colonial executive of their own selection.

Since the founding of Jamestown, the colonists had regarded the menace of an attack by Spain as one of their chief fears, as well they might, in view of the attitude of Philip's emissaries at the British Court; and here came Lord Baltimore, himself a convert, seeking, as it was reported, a section of Virginia as a haven for Catholics. Political propaganda among the Protestants had convinced a popular majority that an English Catholic could not be loyal to the Roman Church and also to the Anglican government. Hence, this group began to make trouble for their distinguished and, to them, unwelcome visitor. The most natural course for them to pursue was to offer Calvert not only the oath of allegiance to his majesty, to which Lord Baltimore gladly subscribed, but also the oath of supremacy, from which James and Charles had excused him. Calvert's refusal to acknowledge the ecclesiastical supremacy of the British king thus provided a plausible basis for remonstrance. In any event, on the twenty-fifth of March, the first day of the year 1630, according to the old reckoning, one Thomas Tindall was sentenced to the pillory for two hours for giving my Lord Baltimore "the lie and threatening to knock him down."

Despite this commoner's rude challenge to the Governor's

titled guest, the incident has been exaggerated out of true proportion; for Calvert must have received pretty fair treatment at the hands of the Virginians, since, after his departure, he praised the commonwealth and its people and left his wife and some of his children at Jamestown, together with "a great store of plate" and other personal effects. On the other hand, it may be noted that a formal protest was sent to his Majesty anent his Lordship's refusal to take the oath of supremacy, and among the signers we find the name of one "W. Claybourne," then Secretary for the colony of Virginia, who for nearly half a century was to hold it against the Lords Baltimore that they had deprived him of opening a colonial empire from the Isle of Kent in the Chesapeake northward and westward indefinitely. Of him we shall hear further.

Since George Calvert left his family at Jamestown, it would seem that he had in view an early return to America, at which time he could lead them into the peaceful possession of the "precinct of land" he so ardently desired for his great experiment in government. But whether this was his intention or not, the outcome was to be different. In the first place, Charles I, being evidently fond of the former Secretary of State, on whose counsel his father had so greatly relied, feared that the latter's health would not sustain the vast effort involved in establishing the American Palatinate. In addition, the Ferryland failure had greatly depleted his Lordship's private fortune, seeing that he had expended from thirty to forty thousand pounds—in modern terms, approximately a quarter of a million dollars. In consequence of these things, Charles I, in reply to his final letter from Ferryland, wrote in kindly remonstrance against any further venture in the New World, commending the thought that Calvert should rest from his labors and secure in England the peace and comfort which his services so richly merited.

But George Calvert was not to be deterred or discouraged in his primary purpose, even if the labor of actual settlement

be delegated to others. Whilst at Jamestown he began to cast his eyes longingly upon that territory to the south, which had occupied the earliest attention of Sir Walter Raleigh. Since, however, this proposal aroused especial protest from the Virginians, Lord Baltimore abandoned this outlook, and petitioned his Majesty for a grant north of *the settled portion* of Virginia instead of south of it. Having gained his point, apparently without further consultation with the complainants, Lord Baltimore prepared the charter of his new Palatinate leaving a blank therein for the name of the proposed plantation, which was to be discussed with Charles I. According to the Ayscough and Sloane manuscripts, the king exclaimed: "Let us give it a name in honor of the Queen. What think you of Mariana?" Lord Baltimore objected to this on the ground that a Jesuit by that name had written a treatise against monarchy, whereupon the king proposed "Terra Mariae," which, "Englished" as Mary Land, was concluded upon and written in the bill.

George Calvert had apparently reached the goal of his desires but, like Moses, he was prevented from entering the fruitful land of promise. His strength was rapidly failing; for he had never fully recovered from the effects of his illness in Avalon. A letter of condolence written by him to the Earl of Strafford on the loss of the latter's wife, presents a fair picture of his Lordship's state of mind, in which he declared:

Were not my occasions such as necessarily keep me here [his house at Lincoln's Inn Fields] at this time, I would not send letters, but fly to you myself with all the speed I could to express my own grief, and to take part in yours which I know is exceeding great, for the loss of so noble a lady, so virtuous and loving a wife. There are few, perhaps, can judge of it better than I, who have been myself a long time a man of sorrows. But all things, my Lord, in this world pass away; *Statutum est*, wife, children, honor, wealth, friends, and what else is dear to flesh and blood; they are lent us till God please to call for them back again, that we may not esteem

anything our own, or set our hearts upon anything but Him alone, who only remains forever.

A few months after writing this letter, on the 15th of April, 1632, George Calvert died at the comparatively early age of fifty-two, leaving to his eldest son the cares and responsibilities of founding the Maryland Palatinate. In addition to material in the Calvert Papers, there may be found brief references to him in the proceedings of Parliament in the first quarter of the seventeenth century, when, in the House of Commons, he was playing the rôle of the king's emissary rather than as a representative of any fixed constituency. There are further references to Mr. Secretary Calvert in the proceedings and papers of the Virginia-London Company of which body he was also a member, but here, too, he was looked upon with suspicion by the popular faction as a representative of the dreaded Privy Council. Particularly did Mr. Secretary argue the cause of the king in the long-drawn-out dispute as to the fishing banks off Newfoundland. The popular group in Parliament argued for freedom whilst the Crown sought restriction and eventually a kind of monopoly of the trade associated with that hazardous but often profitable industry. Again, whenever James I attempted to interfere with the free election of officers in the business sessions of the Virginia Company, it devolved upon Calvert to deliver the royal commands, disguised as disclaimers of any wish on the part of the king to interfere with their procedure. For instance, at a "quarter court" in the summer of 1623, Mr. Deputy Ferrar announced that he had received a letter from his Majesty sent to him by a servant of Mr. Secretary Calvert's. Dated July 4, this royal missive informs the Company that since it was learned that "you intend to hold a court for the said Company, our will and pleasure is that you forbear the election of any officers until to-morrow fortnight at the soonest, but to let those that be already remain as they are in the meantime."⁸

There is considerable circumstantial evidence to show that Mr. Secretary Calvert was unwelcome at the sessions of this remarkable group of statesmen; for he was intimately associated with the plans of James I to hamper the Company in its promotion of representative democracy in America. While the Company obeyed the direct demand of the king *not* to re-elect Sir Edwin Sandys as its head or "treasurer," the members refused to elect any one of the group nominated by the king, compromising upon Sandys' great friend and Shakespeare's patron, the high-spirited Henry Wriothesley, Earl of Southampton. It is especially interesting to note that Southampton "received 117 balls," whilst two of the king's four nominees received thirteen and seven, respectively.

If we were to learn of the career of George Calvert from his connections with Parliament and the Virginia Company only, his name would be almost wholly associated with the arbitrary and frequently tyrannical proceedings of James I. In the matter of the fisheries dispute; in the prosecution or persecution of Sir Edwin Sandys and others; in the dissolution of the Virginia-London Company; and in the suppression, oppression, and dispossession of the Catholic Irish he acting under orders, whether he agreed with the royal policies or not. As against this record, there may be noted illuminating incidents which point to the belief that cruelly repressive measures were essentially repugnant to George Calvert's natural kindliness of disposition. In the first business that came up before the Privy Council after Calvert became a member, he was called to account by Buckingham for "having consented to too light a sentence." Such personal details, when weighed in the balance with his duties as a public official under the Crown, serve to offset the harshly unfair judgments of sundry commentators, such as Edward D. Neill, who, in his *Virginia Carolorum*, sums up as follows:

By education and temperament he was fitted to be a courtier, and none of the sycophants of King James were

more successful than he, in pandering to the tastes and prejudices of the coarse and pedantic monarch.⁹

It is true that George Calvert had fitted himself for the highest form of public career then open; *viz.*, counsellor to his Majesty; but the picture painted by the above-quoted commentator is misleading. The complete portrait indicates that Lord Baltimore was a character truly lovable, largely because of his fundamental sense of charity. In no case where he acted on his own initiative does he seem to have been harsh, vindictive, or even unreasonable. In truth it is marvelous that these gentler qualities of his nature survived in the midst of an environment of greed, self-seeking, and corruption. Doubtless he profited by the monopolies and subsidies granted to favorites at Court; but this was part of an accepted order. Refusal, for instance, to accept such awards would have constituted an affront to his Majesty. That he was not spoiled by all these favors and emoluments—the increments of his public career—is evidenced by his readiness to give up his high office to spend his fortune and risk his life in the promotion of an idea permeated, as it seems, with altruistic ideals. This one act lifts him up from the commonplace, to give him a position among the men of vision of all time.

CHAPTER III

THE CHARTER

CECIL CALVERT, heir to the Baltimore title and estates and his father's American enterprise, proved himself worthy of the task assigned him. Although he has been frequently referred to as *Cecilius*, George Calvert's eldest son was named in honor of Sir Robert Cecil, Earl of Salisbury.¹ To his contemporaries, he was known as Cecil, and as Cecil he is mentioned in his father's will and elsewhere in his father's papers. As the proprietary of a palatinate exercising regal prerogatives, however, it was natural that he should sign his name in the Latin form.

As in the case of his father, very little is known of Cecil's early life. Like his father, he entered Trinity College, Oxford; but no record of his graduation has been found. In 1628, some four years prior to assuming the title of Baron of Baltimore, he married Anne, daughter of Thomas Arundell, a Catholic peer. From a conveyance in trust preserved in the Calvert Papers, it appears that George Calvert had set a special award upon the early marriage settlement of his eldest son and heir, in that the groom was to secure immediate possession of considerable property "near Richmond in North Riding, York," provided his marriage should be consummated within a year from date. Young Calvert was to pay a small amount therefor, the conveyance reading: "To keep these lands in the name and blood of Sir George Calvert and for £3,000 to be paid by Cecil Calvert, £1,000 on marriage and £2,000 after marriage."

The Maryland charter, presented to the king and approved

by him April 15, 1632, received the royal seal and was issued to Cecil on June 20, following. Thus, at the early age of twenty-six, the second Lord Baltimore became the sole lord proprietary and vice-regal governor of an Anglo-American "county palatine," extended and dignified under the name of *Province*.

Setting aside technical verbiage—much the same welter of words employed in legal papers of the present day—it is well to stop and examine the most extraordinary delegation of power granted to any English subject since the creation of the border palatinates of previous centuries. None the less, it should first be stated that certain commentators have laid an undue emphasis upon the autocratic features of Lord Baltimore's plan of government to the comparative neglect of the inconspicuous, but all important, phrases therein which led to the exercise of the popular will by virtue of the assembly of the freemen of the province. The privileges thus granted were seized upon and expanded by the settlers, who immediately asserted political prerogatives which had been the outgrowth of slow and painful processes at Jamestown. It seems advisable, therefore, to present a brief summary of the imposing array of the specific powers of the Proprietary, setting beside them the apparently insignificant, usually neglected, but even more important phrases from which flowed a representative form of government, the third example of that practice of local self-government, which was to become the most cherished principle of the Anglo-American colonists.

The preamble begins by recognizing Cecil Calvert, not only as the heir to his father's property, but also as his spiritual successor in a "laudable and pious zeal for extending the Christian religion" over a region "hitherto uncultivated and partly occupied by savages, having no knowledge of the Divine Being." With respect to this provision, it may be said that although Charles I had his faults, which have been frequently elaborated upon, and not infrequently exaggerated,

by hundreds of commentators, we find here at least one good deed which has gone almost unnoticed, in which the monarch displayed—for that age—a unique spirit of liberality. As a Protestant sovereign and the official head of an established state-church, he granted to an adherent of the Roman Catholic communion his royal sanction to spread the Christian faith, without in any way prescribing the form thereof. And giving Charles I this credit should not in any way detract from a proper appreciation of the distinctive contribution of George Calvert, who conceived the instrument to which the British monarch affixed the seal of his approval.

That Cecil Calvert, the recipient of the grant, gave to this clause the liberal interpretation evidently intended, was demonstrated by his forty-year tenure in directing the policies of the Province, and particularly in the matter of his invitation to the Puritans of New England and Virginia to settle in Maryland and propagate Christianity among the natives.

The second great purpose set forth in the preamble relates to the ever-dominating desire for “extending the territories” of the British empire; and the immediately following clause is of economic import, respecting the relations between the Crown and all patentees of plantations in America; *viz.*, that the proprietary was to “transport, by his own industry and expense, a numerous colony of the English nation.” This point, generally overlooked in historical exposition, is excellently illustrated by a contemporaneous statement made by Edward Rider, a member of the Virginia-London Company who, as early as 1623, wrote:

There is a material difference between the Spanish and English plantations. For the Spanish colonies were founded by the kings of Spain out of their own treasury and revenues, and they maintain the garrisons there, together with a large navy for their use and defence; whereas, the English plantations had been first settled

and since supported at the charge of private adventurers and planters.*

The land which was "hereinafter described" was presented outright to Lord Baltimore with "certain privileges and jurisdictions appertaining unto the wholesome government" thereof, the detailed exposition of which is set forth in subsequent articles. In thus giving Lord Baltimore proprietorship, with practically absolute control, the charter makes no reference to any territorial rights of the natives living thereon, a procedure that accorded with the universally accepted point of view. Turning to Kent's commentaries, the argument against any recognition of "natural" political or territorial claims is supported as follows:

To leave the Indian in possession of the country, was to leave the country a wilderness; and to govern them as a distinct people, or to mix with them and to admit them to an inter-community of privileges, was impossible under the circumstances of their relative condition. The peculiar character and habits of the Indian nation rendered them incapable of sustaining any other relation with the whites than that of dependence and pupilage. There was no other way of dealing with them than that of keeping them separate, subordinate, and dependent, with a guardian care thrown round them for their protection. The rule that the Indian was subordinate to the absolute, ultimate title of the government of the European colonies, and that the Indians were to be considered as occupants, and entitled to protection in peace in that character only, and incapable of transferring their right to others was the best one that could be adopted with safety.

Nevertheless, Lord Baltimore, when prepared to take possession, saw fit to arrange for an agreement with the Indians, as at least the "prior occupants of the soil," for the purchase of the land needed for making the initial settlement.

Finally, with regard to this preamble, there were just two words,—*hactenus inculta*, (hitherto uncultivated)—which,

* Alexander Brown, *English Politics in Early Virginia History*, p. 145.

in restricting Lord Baltimore's rights to possession, were to cause a contest that lasted, in one form or another, through three generations; first, with an established settlement to the south and, secondly, with a subsequent colony on the north. No doubt, with the best of intentions, George Calvert conceived this phrase about the time of his visit to Virginia; but by the time the charter was issued, sundry changes had taken place. Events and people moved more rapidly in the New World than in the Old.

Article III defined the metes and bounds of the new Province; and this, too, by reason of misinterpretations and because of faulty maps, led to interminable trouble. Yet, despite all that may be said to the contrary, it seems clear that the northern boundary of Maryland was intended to be just where the language of the Charter indicated; *viz.*, "*the fortieth degree of north latitude.*" This properly carried Lord Baltimore's domain to a line some distance above the present site of Philadelphia. Despite, again, all that may be said in defence of the procedure of a neighboring and later proprietary, the Lords Baltimore were ultimately despoiled of much of their original grant. A story, in somewhat variant details, has come down to us that Colonel Thomas Cresap, loyal son of Maryland, attempted to hold the northern frontier, but was overcome by superior force. Thereupon, being borne as a captive through the streets of William Penn's capital, he was asked what he thought of the new City of Brotherly Love. Nothing daunted by his precarious situation, he complimented Philadelphia and in the same breath reflected upon its "pretended" proprietary when he defiantly exclaimed: "It is the fairest place *in the Province of Maryland.*"²

Again, it was this same Cresap who, by a survey of the south fork of the Potomac, disclosed that Lord Baltimore had fallen far short of his rightful claims to the southwest. This branch he found was the longer one; and the charter of

Lord Baltimore was specific in saying that he was entitled to all territory westward "unto the true meridian *of the first fountain* of the river of Potomac" of which the south bank was to be the dividing line between the proprietary Palatinate and the (then) royal colony of Virginia. This mistake as to the location of the "first fountain," was allowed to run too long ever to be rectified in favor of the Barons of Baltimore; certainly, if it had been rectified, a large section of what is now the commonwealth of West Virginia would be part and parcel of Maryland.

Since matters of religion—toleration, with the separation of church and state—are reviewed in a later chapter, references to the grant of powers pertaining to church establishment, as set forth in Article IV, will at this point be passed over. Here again, as in the preamble, matters of spiritual import are linked to material considerations; and we find a close connection between the proposals to spread the Christian faith among the heathen, on the one hand; and, on the other, to take possession of the country. In fact, with respect to territorial expansion, the extension of the kingdom of God was never, in the purview of the European governments, wholly separated from the thought of extending the boundaries of temporal power. Here, and in Article V, we find an apparent contradiction. In Article IV the Proprietary is granted, without qualification, dominion over every conceivable form of property in his domain, *inclusive* of "gold, silver, gems, and precious stones," and "any other whatsoever, whether they be of stones, or metals, or of any other thing, or matter whatsoever." In Article V, however, the usual royal demand is made, as in the case of every other colony, that "the fifth part of all gold and silver ore" must be delivered to the Crown along with the nominal quit-rent demanded annually at Windsor Castle on Tuesday in Easter-week; *viz.*, two Indian arrows.

Article IV also contains the specific declaration that Lord

Baltimore should have every prerogative any bishop of the county palatine of Durham "ever heretofore hath had, held, used, or enjoyed, or of right could, or ought to have, hold, use or enjoy;" while Article VI particularly aroused the jealousy of the earlier plantations by declaring that Maryland should be recognized as being "eminently distinguished above all other regions of that territory." For that reason it was "erected into a Province," meaning a political entity at least equal, if not superior to, the county palatine of an earlier era.

From the standpoint of the future citizens of the province, however, this Article is but introductory to Article VII, which to these settlers was the most important of all; for herein, apparently, lies George Calvert's plan of compromise between, on the one hand, the absolutism of colonial control in vogue in the Spanish and French possessions and, on the other, the forms of self-government that had already been established in Virginia and Massachusetts. While the Proprietary was granted the right to "ordain, make, and enact laws, of what kind soever," all legislation was to be enacted "*with the advice, assent, and approbation of the free men of the same Province, or the greater part of them, or of their delegates or deputies,*" when duly "*called together for the framing of laws.*" How this procedure was, in practice, reversed as to the matter of initiation and approval will be told in a later chapter. In any event, when Cecil Calvert attempted to proceed on this assumption as to initiative, the colonists, or a majority of them, immediately insisted that the laws were to be *framed by them for the approval, or rejection, of the Proprietary*, a point which, after some exchange of letters, Cecil wisely yielded.

One restriction only, couched in the most general terms, was laid upon the legislation of the Proprietary and any parliament he chose to convene: "That the laws aforesaid be consonant to reason, and be not repugnant or contrary, but

(so far as conveniently may be) agreeable to the laws, statutes, customs, and rights of this our kingdom of England."

Additional articles were designed to enforce the aforesaid prerogatives, extending them to establish courts of justice, together with any and every agency necessary to execute the legislation enacted. Furthermore, "in case of rebellion, sudden tumult, or sedition," the Barons Baltimore were granted the powers of "any captain-general" to declare and enforce martial law (Article XIII); while Article XII provided for similar powers in the suspension of the regular civil processes, in case of "incursions as well . . . from the barbarians" as "of pirates and ravagers." In the performance of this article, "all men, of whatsoever condition" were subject to service; and discretionary power was granted "to pursue, even beyond the limits of their province" such enemies and "to vanquish and captivate" them; whilst captives might be put to death, or relieved.

Feudal and aristocratic features were included in this comprehensive grant, such as the "license to erect any parcels of land within the province aforesaid, into manors, and in every of those manors, to have and to hold a court-baron, and all things which to a court-baron do belong; and to have and to keep view of frankpledge, for the conservation of the peace and better government of those parts." Also there were conferred regal or vice-regal privileges such as the right to bestow titles and dignities. The phrasing of this latter power concerning titles, etc., bears repetition because of its inherent interest (Article XIV):

Moreover, lest in so remote and far distant a region, every access to honours and dignities may seem to be precluded and utterly barred, to men well born, who are preparing to engage in the present expedition, and desirous of deserving well, both in peace and war, of us, our kingdom; for this cause, we, for us, our heirs and successors, do give free and plenary power to the aforesaid now Baron of Baltimore, and to his heirs and assigns, to

confer favours, rewards, and honours, upon such subjects, inhabiting within the province aforesaid, as shall be well deserving, and to adorn them with whatsoever titles and dignities they shall appoint; (so that they do be not such as are now used in England).*

But as material considerations were joined to things of the spirit, so these honors and dignities were in close proximity to commercial privileges; such as the erection and incorporation of "towns into boroughs, and boroughs into cities, with suitable privileges and immunities, according to the merits of the inhabitants, and convenience of the places." More important still, prospective citizens were encouraged to settle in Maryland through special assurances as to the right to fortify themselves against Indian forays even to the erection of "castles and other places of strength" (a privilege previously denied to the Walloons as would-be emigrants to Virginia, *supra*, p. 21). Thereupon followed an enumeration of commercial favors, concerning colonial trade; and to these concessions was added the additional grant, for which the Virginians had vainly petitioned, that the citizens of the Province of Maryland were to be allowed to sell their "merchandises" not only to the mother country, but, "in the same or other ships, to export the same *to any other countries they shall think proper*, whether belonging to us, or any foreign power, which shall be in amity with us, our heirs or successors."

The "phrase of freedom" vouchsafed to all English colonists, from those sent out by Raleigh on; *viz.*, that the settlers were to enjoy "all the rights and privileges of Englishmen at home" was outmoded in the case of the Maryland colonists. Previously the phrase indicated a contrast between the pol-

* By way of comparison, it may be recalled that even more elaborate plans for titles and dignities were contained in John Locke's "Fundamental Constitution" for the Carolinas, which provided liberally for the Lords Proprietors, and, through them, for a sytem of "landgraves" and "cassiques" who were to own the land; while the people living on the land and tilling it were to be their dependents.³

icy of Britain and that of other European nations; in Maryland, however, it called for no mention, being so greatly exceeded by specific grants having direct political and economic bearing. In so far as the Proprietary and people of Maryland were concerned, their position was, to use the modern term in international usage, that of "*the most favored*" plantation. Subsequently, therefore, when he was attempting to reason with the redoubtable Captain Claiborne, Cecil Calvert pointed out to the Virginian that if would become a citizen of Maryland he could continue his trade in furs and sell tobacco to greater advantage.

Again, it was something practical and definite when in the charter of Maryland the promise was made that:

We will, and do, by these presents, for us, our heirs and successors, covenant and grant to, and with the aforesaid now Baron of Baltimore, his heirs and assigns, that we, our heirs and successors, *at no time hereafter, will impose, or make, or cause to be imposed, any impositions, customs, or other taxations, quotas or contributions whatsoever, in or upon the residents or inhabitants of the Province aforesaid, for their goods, lands, or tenements within the same Province, or upon any tenements, lands, goods, or chattels within the Province aforesaid, or in or upon any goods or merchandizes within the Province aforesaid, or within the ports or harbours of the said Province, to be laden or unladen.*

And lest these provisions be not sufficiently comprehensive from the positive side, it was expressly provided that "officers and ministers" must not only refrain from attempting to gainsay these special privileges; but that all officials of the realm were to "aid and assist the aforesaid now Baron of Baltimore, and his heirs, and the aforesaid inhabitants and merchants of the Province of Maryland aforesaid, and their servants and ministers, factors and assigns, in the fullest use and enjoyment of this our charter." Furthermore, it was made clear in Article XXI that Maryland was to be separate

from and independent of "any other colony already transported, or hereafter to be transported."

Finally, in XXII, the last of the Articles having political significance, it was provided that if "hereafter it may happen that any doubts or questions should arise concerning the true sense and meaning of any word, clause, or sentence, contained in this our present charter, we will charge and command that interpretation to be applied, always, and in all things, and in all our courts and judicatories whatsoever, to obtain which shall be judged to be the more beneficial, profitable and favourable to the aforesaid now Baron of Baltimore, his heirs and assigns."

By way of summation, it may be said that the Province of Maryland was the largest land grant ever made by a sovereign of England to an individual subject; and that the prerogatives and privileges vested in Lord Baltimore as Lord Proprietary corresponded with the area of the grant. Not only did Baltimore enjoy all the rights that were conferred upon any Bishop of Durham, but he was also granted rights and jurisdiction not evident in connection with the government of the English county palatine. Furthermore, under the provision with regard to erection of manors, he was the recipient of a prerogative in Maryland which was, by statute, prohibited to the king in Britain.

CHAPTER IV

THE ARK AND THE DOVE

SINCE the charter passed under the royal seal on June 20, 1632, the existence of the Province of Mary-Land may be said to have then and there begun, though actual settlement under the Proprietary was not made until 1634.

Cecil Calvert was indeed a young man to shoulder the vast responsibilities involved in this unique transatlantic venture. The difficulties of his position, as compared with those of his father, were greatly increased by the fact that he was not an official of the government. Holding no position at Court, he was without political prestige, except such as had adventitiously come to him as the son of a secretary of state who had won the esteem and personal friendship of James I, which relationship had extended to Charles I. Cecil, therefore, could hope for success in his plans for Maryland only by maintaining the approval of the reigning monarch and the good will of at least some of his Majesty's intimates and counsellors. On the other hand, he was surrounded by those who were interested in the defeat of his plans. Some were looking to their own aggrandizement through the fall of the Calvert fortunes; while others sincerely believed that in working to overthrow the plans for an American province of such superior advantages, they were acting in the best interests of their country, both in the Old World and in the New. This latter class was in part composed of the former members of the Virginia-London Company, but lately dissolved by James I. Since George Calvert had acted as his Majesty's emissary in this business, it was natural, no doubt, for many

of the "patriot" or "popular" party in that organization to connect the act of dissolution with the personal ambitions of the first Lord Baltimore, particularly when he had entered the field of American colonization as the recipient of special favors. It is important to take these contemporary opinions into account, if we are to appreciate the nature of the difficulties that were encountered by the Founder of Maryland. In this way, incidentally, a plan may be evolved for reconciling the inherited animosities of the commentators of the Old Dominion, on the one hand, and of the Maryland Palatinate, on the other. The truth is that, because of circumstances beyond their control, the Calverts—whilst meriting inclusion among the broadminded statesmen of all time—necessarily came to grips with an outstanding coterie of liberal-minded yet withal sanely constructive statesmen in the Virginia-London Company comparable with that later group who, in America, drew up the Declaration of Independence; or those who framed the Constitution of the United States. In England, the descendants of the Lords and commoners who composed that original "Company of Adventurers" were numbered among those who prominently defended the principles upheld by Washington, Franklin, Adams, and Jefferson.

Despite the difficulties in securing recruits in the face of a powerful opposition that was constantly spreading false reports, Cecil Calvert prepared for the actual transportation of settlers as early as the late summer of 1633. For emigrants about to establish a new plantation, this was an unusual time of departure and it was doubtless fortunate that the venture was delayed—a circumstance noted in the journal of the historian of the voyage in the following passage:

If meeting with no delay we had been allowed to sail at the time we had appointed, namely on the twentieth of the month of August, the sun being on this side of the equator, and striking down vertically, the intense heat would not only have ruined our provisions, but would have brought disease and death upon almost

MAP SHOWING THE ROUTE OF THE "ARK" AND THE "DOVE" FROM ENGLAND TO MARYLAND NOV. 1633 - MAR. 1634

Prepared by
E.B. Mathews, Johns Hopkins University, Baltimore
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all of us. We were saved by the delay, for by embarking in the winter time, we escaped misfortunes of this kind.¹

The next date set was, according to public advertisement, near the middle of September; but again there were delays, due to the machinations of those who sought to defeat the enterprise—all of which must not only have been vexatious to the spirit but costly in the extreme to the Proprietary purse. It was at this time that we find Lord Baltimore writing prospective settlers telling them of further postponement. At least one of these letters is preserved in America by a descendant of Dr. John Briscoe, the colonist who received it. In part, it reads:

As the Privy Council have decided that I shall not be disturbed or dispossessed of the Charter granted by his Majesty, The Ark and pinnace Dove will sail from Gravesend about 1st of October, and if you are of the same mind as when I conversed with you, I would be glad to have you join the colony.

The end, however, was not yet; for a letter of January 10, 1634, from Lord Baltimore to the Earl of Strafford, tells of other troubles, even after the *Ark* and the *Dove* had got under way from London:

. . . . My ships are gone, after having been many ways troubled by my adversaries, after that they had endeavored to overthrow my business at the council board, after they had informed, by several means, some of the Lords of the council that I intended to carry nuns over into Spain and soldiers to serve that king (which, I believe, your Lordship will laugh at as they did).

After they had gotten Mr. Attorney-General to make an information in the Star Chamber that my ships were departed from Gravesend without cockets [seals] from the custom-house, and in contempt of all authority, my people abusing the king's officers and refusing to take the oath of allegiance. Whereupon their Lordships sent present order to several captains of the king's ships, who lay in the Downs, to search for my ships in the river,

and to follow them into the narrow seas, if they were gone out, and to bring them back to Gravesend, which they did, and all this done before I knew anything of it, but imagined all the while that my ships were well advanced on the voyage.

But not to trouble your Lordship with too many circumstances, I, as soon as I had notice of it, made it plainly appear unto their Lordships that Mr. Attorney was abused and misinformed, and that there was not any just cause of complaint in any of the former accusations, and that every one of them was most notoriously and maliciously false; whereupon they were pleased to restore my ships to their former liberty. After they had likewise corrupted and seduced my mariners, and defamed the business all they could, both publicly and privately, to overthrow it, I have, as I said, at last, by the help of some of your Lordship's good friends and mine, overcome these difficulties and sent a hopeful colony into Maryland with a fair and probable expectation of good success, however, without danger of any great prejudice unto myself, in respect that others are joined with me in the adventure.

Lord Baltimore stated that the customary oath had been administered to one hundred and twenty-eight persons and that others joined the expedition at the Isle of Wight. "Doubtless there were," says Hall, "numbers who could not conscientiously take the oath of supremacy; but what proportion of this first company of pilgrims to Maryland were of the Roman Catholic faith, it is now impossible to determine. Many were bound out to service, and these, apparently, were mostly Protestants. Of the first planters, men of fortune, who went to take up lands and immediately become freemen of the Province, it seems clear that the majority were Roman Catholics."*

* Hall,—*The Lords Baltimore and the Maryland Palatinate*, p. 37. That among the gentlemen adventurers, not enumerated as such, there were some who were conformable to the Church of England is shown by the fact that from their number messengers were chosen, one to convey letters, including a message from the King to Sir John Harvey, governor of Virginia, and another to convey letters to Captain William Claiborne, who had established a trading-post on Kent Island and who, claiming prior possession, became, during a long life, Lord Baltimore's untiring antagonist,—*Narratives of Early Maryland*, p. 14.

It is quite worth while to review Cecil Calvert's ideas with respect to advertising his colony. These ideas appear to have been expressed first through the pen of Father White; for the greater part, however, the expressions bear the stamp of the Calvert style; and it would be difficult to conceive of any such prospectus being issued without the immediate supervision of the Lord Proprietor of the Province thus advertised as open for settlers. Fortunately, a copy of this first announcement, written early in 1633, has been preserved and from that "Declaration of the Lord Baltimore's Plantation in Mary-Land" the following excerpts are taken:

It pleased his most Excellent Majestie in *June* last, 1632, to give under the Great Seale of *England*, a Province, neare unto the English Plantation in *Virginia*, to my Lord BALTEMORE and his heyres for ever: calling it MARY-LAND, in honour of our most gracious Queene. My Lord therefore, meaning to plant and people it, first with this expresse and chiefe intention to bring to CHRIST that and the Countreyes adjacent, which from the beginning of the World to this day never knew GOD; and then with this end, to enlarge his Majesties Empire and Dominions, and to make his Country-men sharers with him in the honour and benefit thereof, is preparing his Company out of hand, both Adventurers and others, for the Voyage for every hundred pounds ventur'd in Transportation of five able men (being twenty pound a man) which will transport and furnish them with Armes, Tooles, Cloathes, Utensils and Victuals for one twelve-Month, whether they goe in person, or commit their men and mony to my Lords Officer appointed for that purpose: or to any other who will take care of them and it, and receive and use the dividend of land for their benefit; shall receive of my Lord a mannor of good Land, to the full quantity of 2000 Akers for them and their heyres for ever in that Country; besides, a good share in a rich Trade hereafter mentioned, and sundry other incouragements & priviledges if they go in this first Voyage; which, when they repayre to my Lord, they shall better understand.

. . . . The Regions are, *Alba ad messem*, ready to receive the Law of CHRIST: The Indians themselves sending farre and

nigh for Teachers, to instruct and Baptize them; and at this present, some are in Towne, who as Eye-witnesses affirme, they saw Messengers sent to *James-Towne in Virginia* from their Kings to the same purpose; as also, Children sent to be baptized into New-England on the other side. What doubt then can bee made, but many thousands of Soules may be brought to CHRIST by this most glorious Enterprise. . . . But, for that all men are not so noble-minded, as to hold their levell purely at this end, so great and glorious, but commonly Pleasure, wealth and honour, are the Adamants that draw them; Gods deerely-good Providence hath wrapped also all these together in this one Action, that neither higher nor lower inducements might be wanting.²

The reference to the conversion of the heathen and the inculcation of Christian doctrines would mean no more than similar expressions in the advertisements, patents, and papers of other ventures but for the fact that, unlike the other advertisements of a like purpose, we know, in the process of conversion of the heathen, Lord Baltimore welcomed interpretative forms other than his own. For example, he speaks glowingly of the reported yearning for religious instruction on the part of the Indians, and of the missionary efforts done already in Virginia on behalf of the Anglican form of faith and in New England under the dissenters. If, therefore, the "salvages" were redeemed from paganism, it mattered not so much by whom, or by what formula. The advertisement makes particular reference to many "living in this City of London, who have beene themselves there, and meane to returne thither againe," which suggests speculation as to how many of the passengers on board the *Ark* and the *Dove* had previously sojourned in America.*

There follows a lengthy description of the advantages of the new plantation, which, in part, reads:

The Clime of this Country is confessed the very best, lying betwixt 38 and 40 degrees Northerly latitude, about that of *Sevill*,

* As stated above, one passenger on board the *Mayflower* in 1620, had previously been at Jamestown, in Virginia.

Sicilia, Jerusalem, and the best parts of *Arabia Felix, China*, etc. The Ayre, serene and gentle, not so hot as *Florida*, and Old *Virginia*, nor so cold as New *England*, but betweene them both, having the good of each, and the ill of neither. On the East side, it hath the great Ocean, on the West an infinite Continent, reaching to the *China Sea*. It hath two goodly Bayes, both rich bosomes of Fish. The one called, *Chesa-Peack*, twelve miles over, betweene two Lands, running from South to North for one hundred and threescore miles, harbourable for Ships of great burthen, full of sundry large Islands good for Hay and Pasture, where is a rich fishing of *Baace*. The other called *Delaware*, where is a fishing of Cod all the yeare long, though it can bee made onely in the colder Moneths; for in the hotter it cannot take Salt. The reason of this great fishing is, for that the Northeast Wind blowing ever constant from the *Canary Isles*, rolles the Ocean and the fish with it into *Mexico Bay*, where finding no passage South nor West, is forced up North with a strong current, and sweepeth along with it great shoales of Fish, by the Coast of *Florida, Virginia, Maryland, New-England*, and *New-found-land*, which fleeing the Whales, who feed upon them, make to the Land and take the Protection of shallower Waters, and inlets thereof, where they are easily taken.*

But regardless of all these considerations relating to the conversion of the Indians; to trade and commerce; to the extension of empire; and to the building of towns and cities, there was one thing that was to outweigh all else; briefly, Lord Baltimore was determined to make toleration the touchstone, the shibboleth, the unique distinction of his new Plantation; but this alone, for reasons of public import, he could not advertise. He could include it only in his instructions to those who were actually about to take up their abode in the province.

The initiation and development of a colonial enterprise of such extent called for immense outlay, with vastly more risk of the total loss of capital, from a greater variety of

* Since the first successful settlement on Virginia soil was made only some 26 years before, the reference to "old" Virginia is interesting—perhaps in contrast to "New England," which but for John Smith's nomenclature of 1614 might have continued under the name of North, or *Northern*, Virginia.

causes, than any project of modern times. In view of George Calvert's losses in his ill-fated attempt at Avalon, the question naturally arises whether his heir and successor could command the means wholly to support the new enterprise. The answer appears to be that he could not, and that Cecil was obliged to appeal for contributions. We know of this dependence upon others from references to sundry "adventurers," as those investors who advanced funds for colonial or trading enterprises were called. Allusions to such persons appeared for a period of about twenty years, though, for the greater part, their several identities are locked in mystery. That the expenses of maintenance of merely a minor or offshoot settlement in America were very large may be gathered from an examination of the figures presented by Captain Claiborne in his management of the Claiborne-Cloberry enterprise at Kent Island. For 1631, the costs were, for such items as food, cattle, implements of husbandry, clothing, "paper, bookes, incke, and wax," "2 murtherers," "one long harquebusse," "powder hornes," surgical services; bills for "1 dozen of Napkines" to Captain Andrews; and "3 sheetes, 7 napkins, and 2 table clothes" to Mr. Wathington, and "sacke and hott waters of Mr. Bond," amounted to £392. For 1632, the Claiborne account totaled £581, including bibles and books of prayer, cushion and cloth for the pulpit, "a pistoll of Richard Thompson," "goodes and Duffils" from the *Mayflower* and *Defence*, and 60 pounds "for Mr. James, minister." Expenses for 1633, 1634, and 1635 contained items covering "2 quilted armour coates," a "watering pot for the garden," a milk skimmer, thread and needles, and, finally, a significant expenditure listed as "trouble with the Marylanders."³

It was Cecil Calvert's original intention, as it had been his father's desire, to accompany his colonists to their new homes in Maryland; but because of the ceaseless activities of opponents, he realized that it was essential for him to stay as

near as possible to the fount of power, whence he had obtained his proprietary grant; and, as the subsequent narrative will reveal, the latter course was imperative if he hoped to maintain his influence at Court and his authority in his province. The expedition, therefore, was placed under the immediate direction of his younger brother Leonard, who became his "lieutenant-general" in Maryland, or the first governor of the Palatinate. George Calvert, another brother, was named as deputy governor, and with him two Commissioners, Jerome Hawley and Thomas Cornwallis.

The *Ark*, previously described by George Calvert as "of 360 tons and twenty-four pieces of ordnance"; and the pinnace, or "bark *Dove*, of sixty tons with three or four small guns," bearing the Maryland emigrants, set sail from Cowes, on the north shore of the Isle of Wight, on Friday, 22 November, 1633. They had proceeded west but a few leagues when the wind died down, leaving them standing before Yarmouth Castle, whence came a "cheerful salvo of artillery." On the other hand, there were heard ominous "mutterings from the sailors," who seem to have expected further detention orders from London, from which it would appear that the enemies of the enterprise had prepared a final scheme to defeat the expedition. Happily, however, a strong wind arose that night and, according to Father White's narrative:

A French cutter, which had put into the same harbor with us, being forced to set sail, came near running into our pinnace. The latter, therefore, to avoid being run down, having cut away and lost an anchor, set sail without delay; and since it was dangerous to drift about in that place, made haste to get farther out to sea. And so that we might not lose sight of our pinnace, we determined to follow. Thus the designs of the sailors, who were plotting against us, were frustrated.*

* By way of comparison, the *Sarah Constant*, the *Goodspeed*, and the *Discovery*, which bore the first English settlers to Virginia, were 100, 40, and 20 tons, respectively. The *Mayflower* was a vessel of about 180 tons.

A few days out of Cowes, a terrifying storm befell the voyagers, out of which arose a dramatic incident illustrative of the ever-present perils of the deep to vessels that had a mere fraction of the tonnage of Hudson river ferry-boats of modern times. The storm drove back to port the *Dragon*, a merchant ship of 600 tons bound for Angola. "We had, however," says Father White, "a skillful captain, and so he was given his choice, whether he would return to England, or keep on struggling with the winds: if he yielded to these, the Irish shore close by awaited us, which is noted for its hidden rocks and frequent shipwrecks. Nevertheless, his bold spirit, and his desire to test the strength of the ship, which he then managed for the first time, prevailed. He resolved to keep the sea, with great danger, wanting sea-room."

The Captain of the *Dove* had indicated that if shipwreck were apprehended, he would display lights. Subsequently, when, as in the case of Sir Humphrey Gilbert's lost vessel, lights were seen only to vanish, those on board the *Ark* grieved for what they thought was the loss of the sister ship and their co-adventurers. Like the *Dragon*, ten times her bulk, the *Dove* returned to England to rejoin the *Ark* in the West Indies. As the narrator expressed it: "Finding herself no match for the violence of the waves," the *Dragon* "avoided the Virginian ocean." This mention of the Atlantic as the *Virginian ocean*," when the voyagers were just off the coast of Ireland, is accompanied a few paragraphs further on by a reference to the popular belief on board that, in the continued dreadful violence of the storm, "all the evil *genii of Maryland* had come forth to battle against us." Like ideas were set forth in Strachey's account of the hurricane off the "still-vex't Bermoothes," which account was, no doubt, used by Shakespeare in composing *The Tempest*.*

* The Latin version of the *Relatio Itineris* refers to *Paumonios* as the port of return for the *Dove*. With respect to this, the Reverend Thomas Hughes, S. J., wrote to the author as follows: "'Paumonios' I take to be a clerical misreading in the Roman office of the name of an English port—probably Plymouth,"—*Instituto Biblico*, Piazza Pilotta, 35, Roma, June 17, 1923.

The *Ark*, compelled to tack continuously before a contrary wind, struck an even worse tempest on the Friday following the departure from Cowes. This storm lasted two days, split the only sail the vessel was carrying, and nearly swept it overboard; also, the rudder being beyond control, the ship drifted about "like a dish in the water." By way of return for all that the emigrants endured at the start, the narrator recorded there was subsequently "not one hour of bad weather, but so propitious navigation as our mariners never saw so sweet a passage."⁴

Sustaining the view that there was a practical element in connection with the enterprise, the narrator goes on to say that "beyond the Fortunate Islands, Lord⁵ Leonard Calvert began to consider where he could get any merchandise to load the ship with, on its return, in order to defray the expenses" of the expedition. Consequently, after sailing some two hundred miles toward Boavista, apparently with a view to getting a cargo of salt, the course of the *Ark* was again changed, "lest provisions should fail in going so far out of our way." Therefore, they "turned aside into Barbados," reaching that island on the third of January, 1634 (N. S.) Here the local merchants sought to avail themselves of the supposed necessities of those who had been so long at sea. In any event, the islanders charged exorbitant prices for all foodstuffs except potatoes, which root grew in such abundance that one might "carry off whole wagon loads of it for nothing."⁶

During their stay at Barbados, the future settlers learned that had they kept on to Boavista, as originally planned, they would have fallen afoul of a Spanish fleet—whereupon, according to Father White's narrative, all would have "become the prey of our enemies,"—a statement which offers additional evidence that, regardless of declarations of war between governments, the sailors and adventurers of the rival European maritime nations fell to fighting on sight when they had any reason to believe a rival group were oper-

ating in the neighborhood of colonial possessions claimed by their respective countries.

From Barbados, which they left on January 24th, the Maryland emigrants journeyed leisurely to one "Carribee" island after another, visting in turn Matalina [Martinique], Nevis, and St. Christopher's. The first historian of Maryland does not say when the emigrants set sail from St. Christopher's; but in Leonard Calvert's letter to Sir Richard Lechford in May, 1634, we find that they stayed "some tenne days" at St. Christopher's "to take in a new supply of water and shift our ship for the second part of our voyage."

Since the complete route of the voyage is presented in a map prepared by nationally known geographers, we may turn again to the emigrants, as, late in February, they reach the shores of Virginia, where Leonard Calvert anticipated again encountering the general spirit of opposition, distrust and antagonisms which had, in England, so hindered the palatinate enterprise. With regard to the opposition of commercially interested groups, together with the popular feeling of distrust or envy of a Province which was given such unprecedented marks of governmental favor, the emigrants were not disappointed. But, as in the case of the visit of George Calvert five years before, they were received with respect, and even cordiality, by the Virginia Governor and his Council. Significantly, Chronicler White records that: "Captain Claiborne was there, from whom we understood the Indians were all in arms to resist us, having heard that six Spanish ships were coming to destroy them all. This rumor was most likely to have begun from himself." Nevertheless, we have the further testimony, on the same excellent authority, that "After being kindly treated for eight or nine days, we set sail on the third of March, and entering the Bay of Chesapeake, we turned our course to the north to reach the Potomac River."

Since, to-day, it may be said that the place of settlement

of the founders of Maryland is perhaps the most beautiful of all the first landings of the Atlantic Coast colonists, it is fitting to reproduce the first impressions of the pioneer historian, who expressed his astonishment over the vast extent of the "Bay of Chesapeake" and of the Potomac river, which they entered March 5. He wrote, also, of the forest in those parts as being not disfigured with swamps but that the banks of the stream showed firm land on either side, upon which "fine groves of trees appear, not choked with briars or bushes and undergrowth, but growing at intervals as if planted by the hand of man, so that you can drive a four-horse carriage, wherever you choose, through the midst of the trees."

The hearts of all the emigrants, after their four months' voyage, must have beat faster as at last they approached their Land of Promise. They also must have been mindful of the recent warnings of Claiborne and of the dreadful tales told of the Indian massacre of the preceding decade—a disaster that had all but wiped out the Virginia colony. Their excitement was augmented by glimpses of watchful natives full-armed and ready to repel what seemed a threatened attack from a "canoe the size of an island." At night, signal fires were seen throughout the entire country.

Early in March the voyagers disembarked on an island which Father White named St. Clement's. After being here some days, mass was celebrated in honor "of the Annunciation of the Most Holy Virgin Mary," March 25, 1634, the first of the year, old style, a cross was erected, and Governor Calvert and the Catholics recited litanies "with great emotion."*

Three primary problems now faced Lieutenant-General Calvert and his counsellors: Securing a permanent site for

* Upon arrival at St. Clement's Island, some of the women were rowed ashore to do the washing, where they were, according to Father White, responsible for upsetting the boat, and losing much of his linen.

settlement; setting up the provincial government; and providing for protection against possible attack.

The first of these problems involved negotiations with hostile, or at least distrustful, Indians; for this purpose the aid of one Captain Henry Fleet was invoked. Fleet, described by Father White as "one of the Protestants of Virginia," was a prototype of sundry pioneers upon successive American frontiers who accustomed themselves, for long periods, to live with the natives, during which time they learned the native tongue and adapted themselves to Indian ways. Accordingly, Fleet was engaged by Governor Calvert to act as guide and interpreter in purchasing a site for settlement. No little diplomacy and patience was needed; for it must be borne in mind that the surviving Virginians since the "Great Massacre" of 1622 had waged relentless war against the savages. In fact, as late as October, 1629, the Journal of the Virginia House of Burgesses recorded resolutions calling for three distinct "marches," or campaigns—for November of that year, and for March and July of 1630. However, this systematic and periodic warfare ended after the Indians had been driven back from the white settlements and when it was realized that a period of peace promoted a profitable barter in beaver skins and other furs. Consequently, respite from conflict and the interchange of commodities had developed interracial contacts of mutual benefit.

Other elements entered into the Maryland situation. The first favorable factor was the presence, on the north bank of the Potomac, of a tribe of Indians not unlike the peaceful type inhabiting the lower portion of the Eastern Shore in Accomac County, Virginia, whose chief, Debedeavon, contrary to Indian tradition, was so good-humored that he became known to the English as "the laughing king." It seems that in these two favored spots the very ease of existence created an aversion to enduring the hardships of war. Furthermore, these Maryland Indians were at that time making

preparations for departure because of the fear of further attacks upon them by the Susquehannocks from the northern reaches of the *Long Water*.⁸

The dominant tribe on the Potomac were Pascataways, whose chief, or *werowance*, lived farther up the river on the Virginia shore, where Governor Calvert visited him. During this chief's minority, Archihu, his uncle, ruled for him. Since, on this occasion, the first chronicler of Maryland had been "kept with the cargo," Father Altham addressed Archihu and the rest of the natives through interpreter Fleet. Altham told the natives that the new paleface settlers had not come to make war on them, but to show them the arts of civilized life, treat them like brothers, and help them to prepare for the Christian heaven. Archihu listened gravely and replied: "We will use one table, my people shall hunt for my brother, and all things shall be in common."

From the time of the earliest chroniclers, the English had developed a habit of describing Indian chiefs in terms corresponding to the monarchs of the Old World. Archihu's nephew was termed a King; and when, from "Potomac town," they journeyed to the seat of a more notable chieftain at Pascataway, the latter was put down as nothing less than an Emperor. This Emperor, living on the north side of the river, was found accompanied by five hundred armed warriors; but being assured of the visitors' good intentions, he set aside his fears and went on board the pinnace. Again, the good will of the English was reciprocated and the Emperor graciously granted them permission to settle within his particular sphere of influence.

Thereupon, Governor Calvert returned to St. Clement's Island; and, proceeding down the river about thirty miles, appeared on March 27 before a site commended by Captain Fleet and described by the Maryland chronicler as "a spot so charming in its situation that Europe can scarcely show one to surpass it." Having been favorably introduced, Governor

Calvert, on the right bank of what was named St. Mary's river, entered into a treaty with the king of the Yaocomicoes for some thirty miles of territory, for which the English offered axes, hatchets, hoes, rakes, and cloth. The entire purchase was first called Augusta Carolana, but soon came to be known as St. Mary's County. One of the conditions of the agreement was that the colonists were to share with the Indians, for the time being, the Yaocomico village.

Principally because the date loomed large in the ecclesiastical calendar of the chronicler, March 25 has long been accepted and celebrated as "Maryland Day"; but, as above set forth, the permanent settlement was not effected or the government thereof formally installed until March 27—a day meriting particular recognition in the annals of human experience; for at this time a commonwealth was established where the civil government was supreme in things temporal, unaccompanied by any attempt to bind or fetter the conscience by oath of any religious order. Subsequently, in the Virginia statute drawn by Thomas Jefferson, and in the Constitution of the United States, religious tests were specifically forbidden. In the founding of the Maryland Palatinate such matters were not defined; but, as will be seen, the principle of freedom of conscience was at once and consistently put into practice under the instructions of Lord Baltimore. These instructions were private, to avoid advertising what would constitute an offence to public opinion in an age of universal intolerance. Since, therefore, the setting up of the government was in itself devoid of religious ceremonial, we find here, for the first time no effort at governmental interference in matters of conscience or religious belief.*

* "Tolerance in religion, it is well known, so unanimously admitted (at least verbally) even by theologians in the present century, was seldom considered as practicable, much less as a matter of right, during the period of the Reformation,"—Hallam, *Constitutional History of England*.

At this site we note the most favored beginnings with reference to physical well-being of the settlers in American colonial history; in fact, since the mortality among the founders was almost negligible, the contrast is startling. Troubles were, in time, to visit the new settlement; but in the beginning the chronicler of the expedition wrote that the natives, "Move away every day, first one party and then another, and leave us their houses, lands, and cultivated fields. Surely this is like a miracle, that barbarous men, a few days before arrayed in arms against us, should so willingly surrender themselves to us like lambs, and deliver up to us themselves and their property. The finger of God is in this, and He purposes some great benefit to this nation. Some few, however, are allowed to dwell among us until next year. After that, the land is to be left entirely to us." In this simple fashion was established the first capital of Maryland, known as St. Mary's City.

The problem of protection against attack was promptly met and may best be described in the words of Leonard Calvert's letter to his brother, written as early as the following May:

We have seated ourselves, within one-half mile of the river within a palisade of one hundred and twenty yards square, with four flanks. We have mounted one piece of ordnance and placed six murderers in parts most convenient, a fortification (we think) sufficient to defend against any such weak enemies as we have reason to expect here.

Industry, doubly inspired by hope and the happiest of surroundings, seems to have been the keynote of the Maryland adventure. First, there is the story of the women going ashore at St. Clement's to wash the linen. A few days later, when Governor Calvert ascended the Potomac in search of Archihu he had with him a pinnace secured in Virginia and three "barkes" belonging to Captain Fleet; but, whilst this

necessary diplomatic commission was ascending the river, the colonists at the Island were busily engaged in constructing a "brigantine" out of seasoned material brought over in the *Ark*. Furthermore, in an early account of the colony it was stated that the "people were enforced not only to labor by day, but to watch in their turns at night." Lest however, the term "enforced" be misleading, the reader will recall that outside of preparing the fortifications every freeman in the colony was to reap the reward of his own labor.⁹

Sundry paragraphs of Father White's description of the Maryland Indians are of especial interest as offering variety to the accustomed accounts; for instance:

Their arms are bows, and arrows three feet long, tipped with stag's horn, or a white flint sharpened at the end. They shoot these with such skill that they can stand off and hit a sparrow in the middle; and in order to become expert by practice, they throw a spear up in the air, and then send an arrow from the bow string and drive it into the spear before it falls. But since they do not string the bow very tight, they cannot hit a mark at a great distance. They live by means of these weapons, and go out every day through the fields and woods, to hunt squirrels, partridges, turkeys, and wild animals. For there is an abundance of all these, though we ourselves do not yet venture to procure food by hunting, for fear of ambushes.

They live in houses built of an oblong, oval shape. Light is admitted into these, through the roof, by a window a foot-and-a-half long; this also serves to carry off the smoke, for they kindle the fire in the middle of the floor, and sleep around the fire. Their kings, however, and chief men have private apartments, as it were, of their own, and beds, made by driving four posts into the ground, and arranging poles above them horizontally. One of these cabins has fallen to me and my associates, in which we are accommodated well enough for the time, until larger dwellings are provided. You would call this the first chapel of Maryland, though it is fitted up much more decently than when the Indians lived in it. At the

next voyage, if God favors our undertaking, our house shall not be destitute of those things, which are found useful in others.

The race are of a frank and cheerful disposition, and understand any matter correctly when it is stated to them; they have a keen sense of taste and smell, and in sight, too, they surpass the Europeans. They live, for the most part, on a kind of paste, which they call *Pone*, and *Omini*, both of which are made of Indian corn; and sometimes they add fish, or what they have procured by hunting and fowling. They are especially careful to refrain from wine and warm drinks, and are not easily persuaded to taste them, except some whom the English have corrupted with their own vices. With respect to chastity, I confess that I have not yet observed, in man or woman, any act which even savored of levity, yet they are daily with us and among us, and take pleasure in our society. They run to us of their own accord, with a cheerful expression on their faces, and offer us what they have taken in hunting or fishing; sometimes also they bring us food, and oysters boiled or roasted . . . and this they do, when invited in a few words of their own language, which we have hitherto contrived to learn by means of signs. They marry several wives, yet they keep inviolate their conjugal faith. The women present a sober and modest appearance.

They cherish generous feelings towards all, and make a return for whatever kindness you may have shown them. They resolve upon nothing rashly or while influenced by a sudden impulse of the mind, but they act deliberately; therefore, when anything of importance is proposed at any time, they think it over for a while in silence; then they speak briefly for or against it; they are very tenacious of their purpose.

The above notation on the Maryland Indians brings to a close the quotations from the *Relatio Itineris*. Two months after St. Mary's City was founded, this precious document was forwarded to the Provincial of the Society of Jesus in England, who made transcripts for the General of the Society at Rome.¹⁰

The *Ark* and the *Dove* may not be dismissed without reference to an important item of Lord Baltimore's "instruc-

tions," which covered matters of religious import, on the voyage and after; diplomatic representations to the authorities in Virginia; directions as to erecting the capital city and its protection against attack; relations with the natives; provision for maintaining an ample food supply; and the regulation of trade and commerce; with an order to make a complete survey of the natural resources of the Province.

Knowing well that disputation as to religious forms and observances would endanger the peace of a colony where no man's religion was to be questioned, Cecil Calvert gave particular orders that no offense be given to any on the score of religion; and to that end he directed the "Governor and Commissioners . . . to cause all acts of Roman Catholic religion to be done as privately as may be"—a recommendation not unlike that concerning private alms and secret prayer suggested in the gospel of Saint Matthew.

The diplomatic representations with respect to the authorities in Virginia included expressions of personal regard for Governor Sir John Harvey, on the ground of the happy relationships between the latter and Cecil's father; together with the presentation of a "butt of sack," as a material manifestation of good will; and letters from his Majesty. In the performance of his duty, Leonard was enjoined to select as messenger or spokesman "a member of the Church of England." No contingencies were overlooked in dealing with the Virginians, including positive instructions that the *Ark* and the *Dove* were not to weigh anchor under the guns of any Virginia fort. Furthermore, the Proprietary was to be kept informed as to the attitude of the Virginia colonists—"whether their clamors against his Lordship's patent continue and whether they increase or diminish."

CHAPTER V

ESTABLISHING THE PALATINATE

ACCORDING to the precise instructions of Lord Baltimore, the following ceremonies were held at the inauguration of the provincial government: Lieutenant-General Leonard Calvert; with George, his brother, deputy Governor; and Commissioners Hawley and Cornwallis, having assembled all the people together in a fit and decent manner, the letters patent of his Majesty were read by Secretary John Bolles; as also his Lordship's commission, after which the Governor duly made a declaration to the people of his Lordship's intentions, which he means to pursue in this his intended plantation; which are, first, the honor of God by endeavoring the conversion of the savages to Christianity; secondly, the augmentation of his Majesty's Empire and Dominions in America by reducing them under the subjection of his Crown; and, thirdly, by the good of such of his countrymen as are willing to adventure their fortunes and themselves in it, by endeavoring all he can, to assist them, that they may reap the fruits of their charges and labors according to the hopefulness of the thing, with as much freedom, comfort, and encouragement as they can desire. Whereupon, the oath of allegiance to his Majesty was taken by "all and every one upon the place," to the end that "none should enjoy the benefit of his Majesty's gracious grant unto his Lordship of that place, but such as should give a public assurance of their fidelity and allegiance to his Majesty."

Having set up the required fortifications, Governor Calvert next turned his attention to preparing for an adequate

food supply. The instructions of Lord Baltimore indicate that he was well aware of the mistakes at Jamestown and Plymouth; first, in regard to the holding of property in common in both those plantations (*supra* p. 1); and second, the subsequent blunder at Jamestown when, under the stimulus of profits in tobacco-growing, actual famine had faced the older settlement for lack of attention to the cultivation of foodstuffs. Hence it was that the Proprietary of Maryland directed that sufficient "provisions of victuall" should be planted yearly before labor should be diverted to other channels. Because of this carefully considered plan, together with its fortunate location, no colony prospered so quickly. Unlike the early settlers at Jamestown and Plymouth, each freeman at St. Mary's anticipated reaping the product of his own industry. He became at once an individual owner, whilst those who were bound out to service for a term of years could look forward to the future when they, likewise, would be freemen and owners of property.*

The first American to derive fame from being the husband of his helpmate was, according to the customary school book description, 'a young Virginia planter who married the Princess Pocohontas.' John Rolfe merits no little distinction, however, in his own right; had it not been for this ecliptic romance, he might easily have become famous as the first American inventor of note, since it was he who discovered a method of curing tobacco, laying thereby the foundation for international trade in an American product. Specifically, Rolfe's discovery gave the necessary impetus to the development of the early American settlements and furnished an enduring basis for expansion. This applied particularly

* One article of the instructions of Lord Baltimore related to the erection of the capital town with streets and gardens in orderly arrangement; but, as it turned out, no such town fitted in with the situation at St. Mary's. Each planter of consequence sought access to the water; and inland settlers found themselves at a disadvantage.

to Maryland, whose output was marketable in Europe with the least restrictions.

In England the increasing use of tobacco was an economic sensation in the Elizabethan epoch; even to-day the story of Raleigh's alleged rescue from being overcome in the smoke he was exhaling is probably better known to school children than the immunity experienced by Shadrach, Meshach, and Abednego in the midst of the burning, fiery, furnace. While the strongly constituted Elizabeth pronounced the leaf "a vegetable of singular strength and power," His Majesty, James I became the leading wrangler of the faction denouncing the new custom. No doubt James' moralizing diatribes would have been followed by prohibitory legislation but for the royal revenues available from its use. In his notable *Counterblast to Tobacco*, the monarch vehemently condemned smoking as a "custom loathsome to the eye, hateful to the nose, harmful to the brain, dangerous to the lungs." He declared that the "black, stinking fume" thereof most nearly resembled the "horrible Stygian smoke of the pit that is bottomless;" and that indulgence was "a branch of the sin of drunkenness, which is the root of all sins." Captain Thomas Cornwallis also used derogatory language about the product, which he described sententiously as "the stinking weed"—indicating that the planters themselves were not unanimous in praising the subject of innumerable eulogies in prose and verse. Subsequently, the terms *mundungus* and *sot-weed* were brought into the language of the day, the former referring to the lowest grade of Maryland tobacco—a term Lawrence Sterne applied to Frederick, last of the Barons of Baltimore, who had far departed from the ways of his high-souled predecessors.*

* A letter written from Gravesend, November, 1657, by Captain Samuel Tilghman contains the following comment: "I shall never advise any man to plant *sweet sented* Tobacco in Potomac river. . . . The greatest fault was: the want of substance." Evidently there was an effort made to provide a brand that did not offend sensitive noses, cf. *Archives*, XLI, 93.

The Maryland colonists enthusiastically set themselves to the task of teaching the natives to use the hoe and other implements of agriculture, whereby the latter could, with less effort, raise larger crops of corn or of tobacco. The Indians, in their turn, gave the colonists instructions in hunting game and in catching fish, some varieties of which the colonists had previously known, while many others they had never before seen. The Indian women taught their paleface sisters the best way to prepare corn pone and hominy and other foods. In their first season, the settlers succeeded in raising a larger crop of corn than they needed. Hence, they dispatched the *Dove* with a full cargo to New England, a precedent established by the Virginians, who, in 1622, had sent a ship load of grain to Plymouth, relieving thereby a serious "starving time."

The first reports of the dealings of the Maryland colonists with the local Indian tribes point to the removal of suspicion and the establishment of friendly relations, together with the conversion of some of the "naturals" to Christianity. Efforts were likewise made to introduce European customs and clothing among the natives, efforts that were coupled with private attempts to educate Indian boys and girls. Formal education of the natives was not proposed till later; and it is not unlikely that the Maryland settlers were familiar with the story of Henrico College at Jamestown, the first institution of learning in any of the Anglo-American colonies. Many practical-minded colonists looked to the natives for help in the field or about the home. In this particular expectation, they were doomed to disappointment; for contact with civilization did not bring to the Indian any desire to do those things which he had come to believe were more or less degrading to his dignity as huntsman and warrior.

Early trade relations with the more distant Indian tribes were followed by a period of distrust, suspicion, and inter-



PROCLAIMING THE ESTABLISHMENT OF THE PROVINCE OF MARYLAND AT ST. MARY'S

From original drawing by Edwin Tunis, executed to accord with the precise instructions of Lord Baltimore, courtesy Maryland Tercentenary Commission.

mittent warfare, with murders of unprotected settlers, met by repressive measures on the part of the colonists; but the story of these troubles, with the consequences flowing therefrom, belongs to the narrative of a later period. It is proper here, however, to bring out the fact that even when supported by the best of intentions, the European's judgment as to justice not infrequently clashed with the simple ideas of right inherent in the breast of the untutored savage. When, for instance, during the first year at St. Mary's Governor Calvert and his Council demanded satisfaction of the Wicomesse Indians for the killing of "some of Claiborne's people," a Wicomesse, seeking to avoid the white man's penalty of death for fellow-tribesmen, thus replied to the Governor's demands for the delivery of the culprits:

It is the manner amongst us Indians, that if any such like accident [sic] happen, we do redeem the life of a man that is so slain, with a 100 arm's length of Roanoke, and since that you are here strangers, and come into our country, you should rather conform yourselves to the customs of our country, than impose yours upon us.

The reference to "Claiborne's people" suggests an interpolation as to the difficulties in carrying on any large scale barter with the natives; for among the Claiborne-Cloberry "items" is found the following account:

Our trade with the Indians is always with danger of our lives; and that we usually trade in a shallop or small pinnace, being six or seven English men encompassed with two or three hundred Indians. And that it is as much as we can do to defend ourselves by standing on our guard with our arms ready and our guns presented in our hands. Two or three of the men must look to the truck that the Indians do not steal it, and a great deal of the truck is often stolen by the Indians though we look never so well to it; also a great part of the truck is given away to the Kings and great men for presents; and commonly one third part of the same is spent for victuals, and upon other occasions. And that the usual

manner of that trade is to show our truck, which the Indians will be very long and tedious in viewing, and do tumble it and toss it and mingle it a hundred times over so that it is impossible to keep the several parcels asunder. And if any traders will not suffer the Indians so to do they will be distasted with the said traders and fall out with them and refuse to have any trade. And that therefore it is not convenient or possible to keep an account in that trade for every axe, knife, or string of beads or for every yard of cloth, especially because the Indians trade not by any certain measure or by our English weights and measures. And therefore every particular cannot be written down by itself distinctly. Wherefore all traders find it that it is impossible to keep any other perfect account than at the end of the voyage to see what is sold and what is gained and what is left.¹

The Indian trade was carried on largely in the simple currency to which the natives were accustomed; *viz.*, *peag* (or *peak*) and *roanoke*. Peag consisted of small polished cylinders about a third of an inch long and a quarter of an inch in diameter made out of clam or mussel shells, pierced for stringing. Dark colored peag was more highly esteemed, but the commoner variety was white, called *wampum peag*, which term came to be applied to both kinds. *Roanoke* was equivalent to the baser metals of European coinage and consisted of bits of flat shell that also were pierced for stringing. Broad belts of wampum were used in larger transactions, notably in payment for land. It has already been seen that Governor Calvert offered the Indians at St. Mary's articles of practical use, such as hoes and other implements of husbandry. Occasionally one is surprised to find that the Indians were willing to trade products of the chase for articles of European wearing apparel. The author of the "Relation" reported that the Werowance of Patuxent "goes frequently in English attire, so doth he of Portoback, and many others that have bought clothes of the English."²

Doubtless the first thing that attracted the serious atten-

tion of the Maryland settlers was the amazing abundance of game of all kind. Among the millions of birds, the most numerous variety were the flocks of wild pigeons which, in flight from place to place, literally darkened the sky, a phenomenon also commented upon by the early arrivals in Virginia. Yet, in the midst of these manifold blessings provided by a bountiful nature, political storms were brewing destined violently to rock the infant Province. First, there was the resentment of those Virginians who were inclined to resist by force, if need be, the royal mandate which deprived them of a great part of what they considered their just rights under their original cession—and more particularly did this resentment affect the group that had actually moved into the territory now claimed under the terms of the Maryland patent as “hitherto uncultivated.” Secondly, there arose a dispute between the Proprietary and the settlers as to the initiation of legislation, which, for a while threatened internal discord. On top of these difficulties, there came a period when,—as alleged by some,—the friendliness of the Indians was changed to an attitude of suspicion through the machinations of Captain Claiborne’s people at *Monoponson*, or “the Isle of Kent.”

The distrust of a considerable element in the Virginia colony was a matter of deep concern to the new government. Part of the private instructions given to Leonard Calvert was ever to keep an eye on the Virginians and to ascertain and report as to their attitude; and it would doubtless have called for immediate protest on the part of the people of the elder colony had they known the contents of Leonard’s first letter to his brother which, in part, concerned the profitable fur trade with the Indians of the upper reaches of the Chesapeake. The Governor offered no present interference, but added: “After the next year, they shall come no more.” In any case, whilst the fortifications were in process of erection, Governor Sir John Harvey appeared in the Potomac. The

visit of the Virginia executive proved, however, to be an act of good will and courtesy on the part of his Excellency following up the hospitality shown by him to George Calvert some five years before.

The occasion was remarkable in several respects. It constituted the first official conference between the executives of two distinct English colonies; and the opportunity was seized, probably at the suggestion of Governor Calvert, to entertain the neighboring Indian werowances, or "emperors," as they were euphemistically called. One of these chiefs, the werowance of Patuxent, had previously been an unwilling guest of the Virginians; to wit, a captive. He was given a seat of honor in the "great Cabin of the ship" between the Governors of Virginia and Maryland. Being discovered therein by one of the werowance's warriors, the latter prepared to leap overboard in order to spread the alarm that the chief had been seized, in possible recollection of the seizure of the Princess Pocohontas, an occurrence doubtless still fresh in the memory of the older natives. Fortunately, says the contemporary author of the *Relation*, the emperor emerged and assured his subjects that all was well. In fact, the chieftain was so well regaled he is said to have declared of his hosts that even should they at some time "go about to kill me and had I but so much health as to speak, I would command the people not to revenge my death; for I know they would not do such a thing except it were through my own default."

CHAPTER VI

PROBLEMS OF SELF-GOVERNMENT

OF GREATER importance than the matter of the entertainment of Indian chiefs were the differences which arose between the Proprietary and the colonists as to the interpretation of a clause in the Charter. This argument involved fundamental principles of government. In that portion of the Maryland patent which declared that laws should be enacted "with the advice, assent, and approbation of the free men of the Province . . . or of their delegates, or deputies," Lord Baltimore had laid the foundations of a self-governing community. But it was Baltimore's purpose to reserve to himself the initiation or proposal of all such "beneficial measures," as it was also his purpose to issue the call for the freemen or their delegates to consider such legislation as he should propose. These proprietary restrictions were repudiated by the Maryland colonists; so that their action very shortly led to the establishment of the most advanced example of local self-government then known. If it be objected that the Virginians had established in 1619 a representative Assembly, it must be remembered that voting and representation was limited in that colony, and that the first Assembly there enacted legislation in accordance with instructions received from the proprietary corporation in London. Again, if it be objected that in 1620 the Mayflower immigrants had set up a democracy under their celebrated "compact," it must be noted that their communal agreement concerned a homogeneous group, whilst their immediate successors, the Puritans of Massachusetts Bay, established a theocracy.

Since George Calvert, the author of the Charter, had died before the legal creation of this new Province, there is, of course, no way of determining what course he would have pursued with respect to the demand of the Maryland settlers to initiate legislation. Consequently, we are concerned only with the acts and attitude of his successor, Cecil, who appears to have been in entire agreement with his father's plans. With regard to Cecil's views, it may be said that he was neither so autocratically inclined as Winthrop of Massachusetts nor so sweepingly scornful of the popular will as Alexander Hamilton of a later day. On the other hand, he was not a Thomas Jefferson, except insofar as he was the latter's predecessor in promoting freedom of conscience and the separation of the functions of church and state.

Since the Proprietary was vitally interested in the success of the Palatinate plan and since he had been granted almost absolute powers, he doubtless thought that in conceding to the Assembly the privilege of passing upon his proposals, he had made sufficient concession to the genius of the English people for participation in public affairs. While he did not go so far as James I, who had held that such matters were too "high and great for private men" to consider, Lord Baltimore did not trust the "generality" of the people to maintain a stable form of government.

In any event, the Maryland settlers met in general assembly shortly after they had secured complete possession of the land ceded to them by the Indians. At this first session, held in 1635, formal legislation was proposed, the precise nature of which is not known because of the destruction of the earliest records of the Province. These laws were to supersede the code prepared by Lord Baltimore; and while it appears Cecil Calvert did not disapprove of the legislation in itself, he objected to the procedure as running contrary to the terms of the charter, which offered no such privilege to prospective, or actual, settlers. On the other hand, the

first General Assembly of the Province, of which records have been preserved is that which sat at St. Mary's from January 25 to March 24, 1638. This constituted a long, though frequently interrupted, session for the transaction of the business of so small a plantation; but the experience afforded the first colonists excellent training in statecraft, a training that served them in good stead and established distinctive traditions of lasting value.¹

Attendance upon these first sessions was compulsory for all freemen, in person or by deputy, albeit proxies were allowed. All planters and settlers were accounted for in this wise, except clergymen then in the Province; *e.g.*, the Jesuit priests, Fathers Andrew White, John Altham, and Thomas Copley. These did not vote either in person or by proxy, the brief notation in the *Proceedings* for the first day of the session being: "Robert Clerke, gent, appeared for them & excused their absence by reason of sickness."² Although the Maryland legislators followed many of the precedents set up by the Parliament of the mother country, there was no house of lords temporal or spiritual; furthermore, clergymen were, in time, specifically denied membership in the Assembly, a proceeding that was in marked contrast to the theocracy of the Massachusetts Bay colony where the Puritan ministers were temporal as well as spiritual autocrats.³

Regulations for the orderly conduct of the Assembly are of unusual interest. It was agreed that the Lieutenant-General was to "direct all things that concern form and decency," with the power to "command the observance thereof as he shall see cause, upon pain of imprisonment or fine, as the House shall adjudge." The members sat with their hats on; but every one who rose to speak was to "be uncovered and direct his speech to the Lieutenant-General as President of the Assembly." It was provided that no one "shall refute the speech of any other with any uncivil or contentious terms, nor shall name him but by some circum-

locution." Again following the custom of the British Parliament, it was ordered that the house "shall sit every day at eight of the clock in the morning, and at two of the clock in the afternoon." Finally, it was decreed that "freemen assembled at any time to any number above ten persons" should constitute a quorum for the transaction of business—a surprisingly small proportion of the whole, considering the number of those qualified to sit as members of the Assembly.⁴

Notwithstanding the extended sessions and the amount of business discussed, the Assembly was as yet helpless as in the passage of any acts legally binding upon the people to accordance with the provisions of the charter of the Province. Under that instrument, the proceedings of the Assembly were valid only if initiated by the Proprietary. This the majority of the members stubbornly refused to admit; and Lord Baltimore yielded, but not until the fourth year of the settlement. Thus, when the majority of the Maryland settlers declared their fixed determination to make their own laws, they were not only running counter to their patent, but to the will of the Proprietary. They also faced the possibility of placing themselves in rebellion against the King as the grantor of the patent. By one course, that of yielding, lay immediate ease and the orderly transaction of trade; by the other, the thorny path of resistance, chaos threatened for lack of authority to promulgate legislation binding upon the individual or upon the body politic. To meet these peculiar problems the settlers fell back upon a common agreement, or compact, supported by the power of the reasoned opinion of the majority; and under that agreement they weathered this crisis, with sundry other storms, such as actual warfare with a dangerous foe lodged within the bounds of the Province.

A review of the records indicates that Lord Baltimore revamped some of the laws proposed by the Assembly making

them even more favorable to the settlers; but the latter would not compromise; and the deadlock ended in August, 1638, when Lord Baltimore yielded. It was a wise decision; the Proprietary might have been as obstinate as the British Ministry of a later day; and he would have received royal support in enforcing claims so recently sanctioned by Charles I. Nevertheless, he must have remained convinced that Proprietary guidance was best for the Province; for, during a period of colonial difficulty ensuing some years later, he made an effort to regain the prerogative he had yielded. When it was "put to the question" whether the laws proposed by Lord Baltimore should be received, the same were approved by Governor Calvert and Secretary Lewger, "who counted by proxies fourteen voices." They were rejected "by all the rest of the Assembly, being thirty-seven voices."

From the foregoing exposition, it is seen that the political perceptions of the early settlers were, in a smaller sphere, as keenly developed as the more experienced colonials of the decade preceding the Revolution. Without reflecting upon Lord Baltimore directly or by inference, this resistance on the part of the first settlers of Maryland may be compared to the resistance of all the colonies to the tea tax imposed in the reign of George III. That tax was resisted, not because it imposed a hardship; in fact, the price of the colonial tea was made lower than its cost to the consumer in Great Britain; but a governmental principle was involved, and no people in history ever contended for principle as did the Anglo-American colonists, from Massachusetts to Georgia.

In the meantime, the economic, as well as the political, affairs of the colonists must have fallen into utter disorder but for the wisdom and self-restraint of the settlers. A strong minority of the leading men followed Governor Calvert, who naturally supported the claims of the Proprietary; but the "generality" were ably counseled by Captain Thomas Cornwallis, who, in the interim, expounded the

theory that the colonists were entitled to all the rights, franchises, and liberties of native born Englishmen, allowed under Elizabeth in the case of the attempted settlement at Roanoke and subsequently extended under James I to the pioneers at Jamestown. From this Cornwallis and the majority of the Maryland Assembly argued that the common law of England could properly be evoked. The Journal of the Assembly of 1638 carried the following:

The question being moved, what laws the Province shall be governed by, it was said by some, that they might do well to agree upon some laws till we could hear from England again. The President⁵ denying any such power to be in the house, Captain Cornwallis propounded the laws of England. The President acknowledged that the Commission gave him power in civil causes to proceed by the laws of England, and in criminal causes likewise, not extending to life or member; but in those he was limited to the laws of the Province; there could be no punishment inflicted on any enormous offenders by the refusal of these laws.

Whereupon the Commission was produced and examined, and upon the reading of it, it appeared that there was no power in the Province to punish any offense deserving loss of life or member, for want of laws. To this they answered, such enormous offence could hardly be committed without mutiny, and then it might be punished by martial law.⁶

On the morning of the same day, January 29, 1638, the Assembly had rejected the proprietary code, and it is interesting to note that Captain Cornwallis had endeavored to postpone the vote on the ground that the question should be put before "a more frequent house;" *viz.*, one with larger attendance. Evidently the leader of the popular faction feared the weight of the proxies held by Secretary Lewger.⁷

The councillors, sitting as members of the unicameral House, had, it appears, more proxies than other members. Inference may be drawn from this that these men were more actively interested in securing proxies, or else that it was

natural for absent settlers to delegate their proxies to those who were more prominent or influential in conducting the affairs of the colony. In this connection, McSherry has ventured the view that: "As every one, at that period, possessed the right of being present, this summons must have been simply obligatory in its nature, and intended to compel the attendance of those who were especially qualified to advise and assist as legislators, and yet were unwilling to perform the onerous duty required of them. To suppose the power was aristocratical, and originally intended to secure the governor the control of the house, is absurd; as no matter how many of his adherents he might call together, every other freeman in the colony could claim and take his seat in the house with equal powers and privileges."⁸

In regard to this statement it may be objected that, whether intended or not, the application of this principle might very easily be put to "aristocratic" use. The analysis of the vote on receiving the laws sent out by the Proprietary illustrates the autocratic possibilities of the use of proxies. Secretary Lewger voted all his proxies in favor of the Proprietary plan; but it is scarcely conceivable, in view of the otherwise overwhelming vote of the Assembly against the plan, that many of these "proxies" would not have preferred, if present, to vote with Cornwallis and the popular majority.

After the rejection of the legislative program proposed by the Proprietary, the Journal of the House continues:

Then was propounded that the house would consider of some laws to be sent up to the Lord Proprietor. And the President advised that they would choose some committees to prepare the draught of them, and then the house might meet for confirming of them; and in the mean time every one might follow their other occasions.

So being put to the vote how many committees should be appointed for that purpose, they agreed that five should be chosen. Then was it put to every one to name his five. And there were ten in election.

The President (Governor Calvert) received thirty-eight; Captain Cornwallis fifty-four; Captain Wintour, forty-five; Captain Evelin, forty-eight; Secretary Lewger, twenty-two; and Justinian Snow, thirty-one. These were the leaders in the balloting, three others dividing some twenty-two votes, Captain Henry Fleet receiving eight. Although Fleet was a Virginian, he was immediately given a "voice" equal to that of any other settler.

The rules and regulations established by the Assembly are of special interest and bear out what has been said as to following English procedure, in some respects; recent Virginia colonial precedents in others; and the establishment of new regulations, in accordance with progressive thought under new world conditions. It may be noted that this first Assembly of which we have record was subject to several adjournments. The reasons for at least one of these adjournments appear to have originated in the Council; for the Journal of the House records, under date of February 8, after one day's session, thus reports adjournment from January 29:

The House being sat, the President declared that he thought it fitting to adjourn the house for a longer time; till the laws which they would propound to the Lord Proprietor were made ready, which some would take a care of, and in the meantime the company might attend their other businesses &c.

Captain Cornwaleys replied they could not spend their time in any business better then in this for the countries good; and one of the planters demanded the reason why it should be adjourned, and said they were willing to leave their other business to attend it. The President replied he would be accomptable to no man for his adjourning of it.

Then Captain Cornwaleys moved that at least a Committee might be appointed that should take charge of preparing the Laws till the House met again, and being put to the House, they agreed that three Committees should be appointed.

Governor Calvert did not convene the Assembly until February 26th, when it should be noted, only nine of the

planters attended. Again, nothing was accomplished on the next day of meeting, March 5, there being but nine attending. On the 14th of March, however, Captain Cornwallis, with a working quorum, was again in attendance; and from then on business was transacted relative to the Claiborne war, elsewhere reviewed.

This was the last assembly that authorized the attendance of all the freemen of the Province. Together with the grant received from the Lord Proprietor of the right to initiate legislation, came directions for the creation of an elective assembly in which the representatives of the people were called *Burgesses*, after the custom previously established in Virginia. These Burgesses were elected, like the Virginians, from political divisions called *hundreds*. It should also be noted that prior to the arrival of Secretary Lewger in November, 1637, the members of the duly appointed governing board of the Province were termed *Commissioners*. Former Commissioners Jerome Hawley and Thomas Cornwallis were then made, with Secretary Lewger, members of the Council, to whom was added, presumably by special appointment of Governor Calvert, Robert Wintour. At the first sitting of the Assembly, Hawley was absent; for Charles I had appointed him Treasurer of Virginia. Streeter comments on the Council as follows: "This accounts for the fact that the entries in the venerable book, which is the oldest remaining record of colonial proceedings, commence in date, in December, 1637. The book was probably furnished by Mr. Lewger himself, and in it, he made his first entries as Secretary of the Province. If the Governor and Commissioners kept a record of their proceedings, as they undoubtedly did, it was most likely in another book, which, unfortunately, has not escaped the ravages of time, or the reckless destruction incident to periods of civil dissension and to official neglect."⁹

Precedents for safeguarding the freedom of the assemblymen in session by granting them immunity from arrest were greatly broadened when the motion was passed that even

those freemen who had given their proxies to others were not to be subjected to detention or confinement "until a convenient space of time after the dissolution of the said Assembly, for their repair home." This legislative exemption probably meant just what it meant in England; but no privilege of the members of Parliament was allowed to exempt them from arrest in matters of criminal offense. The Virginia House of Burgesses, at its third session in 1624, had passed a probable prototype to the Maryland Act, which read: "That no Burgess of the General Assembly should be arrested during the sitting of the Assembly, and a week before and a week after, upon pain of the creditor's forfeiting his debt, and such punishment upon the officer as the Court should award."*

A few days after the Assembly of 1638 was adjourned, courts of justice were held at St. Mary's in accordance with the provisions of that body. One such court was held, with the Governor, Secretary Lewger, and Robert Wintour presiding; and a grand jury was impanelled, which found true bills against William Claiborne and other disturbers of the peace for piracy and murder. At the same time, other courts were organized and held sessions, such as a court to hear and pass upon all "testamentary causes," *i.e.*, matters of will and inheritance. This, it may be noted, was conducted by the Governor and his Council. Such matters were, at that time, naturally assumed by, or willingly left to, men of rank or position as best acquainted with legal lore and custom.

At the beginning of settlement Governor Calvert lost no time in laying out lands in Augusta Carolana County, soon to be known as St. Mary's. According to Lord Baltimore's "Conditions of Plantation," the amount of land granted to a

* It is worthy of note that not a few of these provisions, in similar terms, were incorporated in the Constitution of the United States—this provision against arrest of members of the Congress; the subsequently mentioned provision for frequent meeting of the federal legislature; and others. *Cf.* Art. I: sections IV, VI.

freeman was to vary in proportion to the number of persons or servants he brought with him. "First settlers" who brought over as many as five persons were entitled to a grant of two thousand acres. When an immigrant brought less than five, he received one hundred acres for each person over sixteen years of age, including himself and his wife, with fifty acres additional for every person under that age, the grants being subject to annual quit-rents varying from 12 pence for every fifty acres in small holdings to 20 shillings for a manorial estate. These rents were to be paid to the Lord Proprietary "in the commodities of the country." It is worthy of note, in view of Margaret Brent's prominence in the colony, that independent women had like privileges as to transporting themselves and other women and minors. Plantations were laid out along the unequalled extent of water front in order to provide greater facilities for trade, for the shipping of produce, and for purposes of communication. Nearly all industry was rural or agricultural, as throughout the colonies, until some time after they had become States under the Federal Union.

Hunting, fishing, and trapping engaged the energies of a proportion of the early settlers; but this proportion was considerably smaller than might be supposed, the early Marylanders apparently being ambitious to provide land holdings for themselves and their families. All, however, at one period or another, had ample opportunity to hunt game under the most favorable conditions. In England no little interest was shown in specimens of the flora and fauna of the American continent. Leonard Calvert sent his brother American deer; and he greatly regretted the untimely death of a "lyon"¹⁰ which he was preparing to send overseas upon the first opportunity. The American red bird had excited Leonard's admiration and probably no little curiosity on the part of Cecil; but Leonard, in the same letter which describes the "reduction" of Kent Island, adds: "I had procured a red

bird and kept it a good while to have sent it to you but I had the ill fortune to lose it by the negligence of my servant, who carelessly let it out of the cage." Apparently, there were sharks off St. Mary's; for in the annual report of the Jesuit Fathers in Maryland for 1640, "a huge fish" was seen to seize a man and bite off a "large portion of his thigh." The narrator adds that the man had previously acted very wickedly, so that the bite was a "most merited laceration" for his having impiously boasted that "he had eaten up his 'Ave Maria beads.'"

Since it involved certain basic principles of public service, an important event in the history of the infant Province was the erection of a water mill for the grinding of the settlers' grain. This mill was provided for in 1639, subsequently to what appears to have been an unsuccessful effort to establish one by private subscription some four years earlier. The Governor and Council were duly authorized to enter into a contract for erecting the mill, up to a limit of expense set at 20,000 pounds of tobacco. The total amount was to be raised by taxation within two years, a proceeding which may be called the first bond issue of Maryland.

The founders of Maryland made no effort to stop the importation or manufacture of intoxicating liquors. Drunkenness, however, was made punishable by fines or whippings "for every such excess at the discretion of the judge." The fine was set at thirty pounds of tobacco, or five shillings. The offense was specifically defined as "drinking with excess to the notable perturbation of any organ of sense or motion." In this connection it may be noted that in a clause attached to a law concerning insolvency, the following declaration is found,—that "debts for wine and hot waters be not satisfied till all other debts be paid." The expression "hot waters" was much used by the Indians, in reference to rum, brandy, and whiskey. Three years later, the Assembly passed a more strenuous regulation as follows: "Every one convicted of

being drunk (to be determined by the Judge) by or before any sworn Judge . . . shall forfeit 100 lbs. of tobacco toward the building of a prison or such other public use as the Lord Proprietary or his Lieutenant General shall think fit; or if the offender be a servant and have not where with to satisfy the fine, he shall be imprisoned or set in the stocks or bilbos fasting for 24 hours; this act to endure till the end of the next assembly." "Servile labor upon the Lord's day" was prohibited; but recreation was not proscribed, as under the laws of New England.¹¹

Regulatory legislation was passed concerning the conduct of masters towards indentured servants, requiring the former to supply these dependents with "necessary or convenient food, lodging, clothing," etc. The penalty for infraction of this particular act, it should be noted, was not a fine, but imprisonment. On the other hand, the Assembly passed a law regulating the conduct of these servants, to the end that they should all live up to their agreement of service. The penalty for failure to "perform the lawful commands" of their masters, or for testifying falsely against them, was public whipping or other punishment, at the discretion of the court. From time to time, persons were brought to trial for the abuse of indentured servants, as in the case of Joseph Fincher, whose harshness appears to have resulted in the death of Jeffery Haggman, for which after a jury trial, Fincher was condemned to be hanged.¹² On the other hand, there is an abundance of evidence to show that the redemptioners received good treatment and were far better off than if they had remained in England. George Alsop, redemptioner for a four years' period, wrote, shortly after his arrival in Maryland: "Had I known my yoak would have been so easie, I would have been here long before now."¹³

In the mother country, the laws against debtors were extremely harsh. Honest but unfortunate men were thrown into prison with malefactors of all kinds. As late as 1733,

the well-known debtor experiment in Georgia opened up life anew for some of these unfortunate people. In fact, the founder of Pennsylvania, subsequently Lord Baltimore's rival proprietary, was, at one time, imprisoned for debt; so that William Penn himself might have taken advantage of some such plan for liberation as that offered by James Oglethorpe. This problem, therefore, faced the early lawmakers in Maryland: Should they, without discrimination, follow a universal precedent and shut up all debtors in prison, or should they chart a new course whereby debtors might have an opportunity to work to pay off their obligations, and, at the same time, contribute something useful to the welfare of society? The Maryland Assembly decided to abandon precedent and try the more rational plan. Consequently it was provided that: "Where there is not sufficient distresse of goods, the party himself, or any of his servants attached, shall be either sold at an outcry, or otherwise his service valued and appraised by the month as before, and delivered in execution to the party or parties recovering . . . until the execution be satisfied,"—that is, until the debt be paid in service rendered to the creditor.¹⁴

Attention has already been directed to the Lord Proprietor's care in seeing that food supplies were not lacking in his Province, as had frequently been the case in Virginia and Massachusetts. The settlers themselves showed that they appreciated the wisdom of the Proprietary in this matter; for, in the session of 1639, they passed the following brief but clear enactment: "Every person planting tobacco shall plant and tend two acres of corn," a statute that was evidently modelled after the "Two Acre Act" of the Virginia House of Burgesses passed in 1624.

A duty was levied on tobacco, the principal product of the Province, when exported to any country other than "England [which evidently included Scotland and Wales] Ireland, or Virginia." The proceeds of this tax, however, did not go

into the public treasury of the Province, but to the Lord Proprietor. The fact that the Proprietary had the privilege of imposing this tax is significant, in that Charles I had especially instructed Governor Berkeley of Virginia to allow no tobacco trade at all with foreign countries. The King had demanded for himself all the revenue derivable from the exportation of Virginia tobacco. The Virginians objected to these restrictions on their foreign trade; and, through the laxity of Crown officials, frequently evaded the royal mandate. In Maryland, on the other hand, the sentiment of the Assembly seemed to favor the idea of granting regal tax-prerogatives to the Proprietary in return for the extraordinary expenses put upon him in establishing the colony, and in return for a number of special privileges.

In 1639, the freemen of Maryland had taken especial cognizance of one fact in regard to affairs in the mother country: that no British parliament had been called for a period of ten years, and that there was no legal provision for Parliament to be summoned at any time. The legislators of Maryland provided, as one of the important matters of the first assembly in which they had the acknowledged privilege of proposing legislation, for the immediate passage of an act to the effect that "assemblies were to be called once in every three years at the least."*

This act, like many others adopted by this remarkably constructive body, was passed in the interests of democracy. Nevertheless, the same body approved a procedure that smacked strongly of caste, probably a concession by conservative transplanted Englishmen to the ideas of the Lord Proprietor, who had set his heart on manorial estates, and who

* When, finally, Charles I felt compelled to call Parliament together in 1640, that body took action similar to that taken in Maryland and passed the famous act requiring triennial parliaments. From having no parliament at all, the mother country went to the other extreme and had such a surfeit of legislation and fanatical legislators that Cromwell arbitrarily dismissed the troublesome body.

may have thought it wise eventually to set up a provincial upper house or council somewhat like the British House of Lords. Consequently, an act was passed concerning "what persons shall be called to every general assembly." By the terms of the bill, it was provided that, "From henceforth and forever everyone being of the Council of the Province, and any other gentleman of able judgment summoned by writ (and the Lord of every Manor within this Province after Manors be erected), shall and may have his voice, seat, and place in every General Assembly," together with "two or more able and sufficient men for the hundred as the said freemen or the major part of them . . . shall think good."¹⁵ As before observed, aristocratic features, provided for in the original plans of sundry proprietary colonies, proved unpopular under colonial conditions. The penalties prescribed for treason and the definition thereof were similar to those of England, and included "drawing, hanging, and quartering." Although these penalties were copied into a Maryland statute, and were so phrased as to embrace (besides the King, Queen, and heir-apparent), the persons of the Proprietary and the Lieutenant-General of the Province, they were, nevertheless, apparently by tacit consent, ignored. Hanging was substituted, as in the case of Captain Thomas Smith, which penalty was ordered, even though we have no conclusive record of its execution. It may be noted that an exception in respect to the mode of death was prescribed for the proposed privileged class previously mentioned. The act "provided that punishment of death shall be inflicted on a Lord of a Manor by beheading."¹⁶

It was made a felony "to shed the blood of any judge sitting in the Court." Thereupon followed the customary lists of felonies: burglary, robbery, assault, etc., to which were added special offenses, such as giving or selling arms to Indians and teaching them the use of the same. The penalties laid down for these offenses were hanging and forfeiture of es-

tate, "saving to the wife or widow her dower and to the heir his or her inheritance," etc. The list of felonies ran all the way from wilfully firing a stack of corn or tobacco to assaulting and beating the Lieutenant General of the Province; or a judge, a witness, or a juror in "presence of Court." The "cutting out of another's tongue" was deemed worthy of mention as particularly reprehensible, and all "like mischiefs." The hiding of a felon was in itself a felony; but exception was made in the case of a felon's wife, an early discrimination in favor of women, in view of the fact that no provision was made to excuse a husband, in the event he hid his wife found guilty of a like offense. "Stealth of one's self" is included among these felonies, meaning "the unlawful departure of an indentured servant out of service or out of the colony without the consent of the master or mistress." But the last named "felonies" were different in that a certain premium was put upon education in the case of the offender. The final section of the law reads: "And the offender in these felonies or any of them shall suffer pains of death by hanging, except the offender can read clerk like in the judgment of the Court, and then the offender shall lose his hand or be burned in the hand or forehead with a hot iron and shall forfeit all his or her lands at the time of the offence committed, saving to the wife or widow her dower."¹⁷ The customary old world penalties were severe enough, as prescribed; but, as in the case of the act concerning treason, provincial judges and juries soon found a way to lighten the punishment, particularly as every life counted in an uncultivated and undeveloped country; so that the laws and customs of England, transferred to America, soon lost their inflexibility and became either "dead letters" or were modified.

One of the survivals of feudal and mediaeval customs appearing in the annals of early colonial Maryland concerns the operation of the law of deodand, or the formal forfeiture to God, through the king, or his representative, of object or

animal causing the death of a human being. The earliest account of the operation of the law in Maryland is found in the records concerning *Court and Testamentary Business*. On the 31st of January, 1638, an inquest was held upon the death of John Bryant. Jurors having been duly impanelled, they were "charged to enquire how the said John Bryant came by his death." The verdict developed the fact that Bryant had been killed "by the fall of a tree;" therefore the said tree was "forfeited to the Lord Proprietor."¹⁸

In a list of "enormous offences" were enumerated such crimes and "misdemeanors" as perjury, forgery, contempt of court, bribery, the use of false weights and measures, extortion, oppression, and so forth. In this category were included the spreading of false reports and "conspiracy," the latter being defined as the "unlawful combination of two or more persons against another's life, fame, or goods." Finally, a special clause indicates that the freemen of the Province, as well as the Proprietary, were disposed to be fair and just in their dealings with the natives, since it was decreed that "all injuries done to an Indian in person or goods" should be accounted among these felonies. By way of illustration, Court Proceedings for 1658 records a "special warrant to the sheriff of St. Mary's County to warn Vincent Atchison to appear personally at the next Provincial Court, to answer the complaint of an Indian, the said Vincent having abused him and robbed him of his roanoke. Simultaneously with the passage of the bill to ensure justice for the Indians, the Assembly approved an "act for military discipline" which required all the able-bodied inhabitants of the colony to be thoroughly prepared against attack, subject to inspection of a "sergeant or marshall once in every month."

This Assembly passed upon the first public service conveyance in the establishment of "a ferry for the more safe and commodious passage of people to and from over St. George's River." The boats were to be privately owned; but

for every such "waftage" a fixed fee was to be charged; *viz.*, one pound of tobacco "to the owner" of the boat. Apparently, to encourage this private enterprise, and to insure against undue losses, through lack of traffic or for other reasons, the act added a clause that the "levying of duties toward maintenance thereof shall be decided and censured [judged] in the Admiralty Court" of the Province.¹⁹

CHAPTER VII

THE CALVERT-CLAIBORNE CONTROVERSY

THE foregoing references to Captain William Claiborne lead to the consideration of certain political and military happenings which had been threatening the existence of the colony during the years when the freemen of the General Assembly were contending for the legislative privileges which they held to be necessary to ensure their rights and future welfare.

Between the time when George Calvert visited Jamestown in 1629 and June 20, 1632, the date of the passage of the Maryland charter, William Claiborne had established a settlement on Kent Island in the upper reaches of the Chesapeake. In consequence thereof a number of Virginians, Claiborne included, had registered formal protest in London against the encroachments of Lord Baltimore upon land already occupied. Since the original terms of George Calvert's charter called for the creation of a Province in territory *hitherto uncultivated*, the establishment of a settled plantation within the bounds of the Baltimore grant seemed to invalidate the patent, certainly insofar as Claiborne had extended his operations. On the other hand, in rebuttal of the Claiborne-Virginia claims, it was argued that Claiborne had gone into the Chesapeake Bay region as a trader rather than as a settler, and that his headquarters on Kent Island had been officially referred to as a *trading post* or *fur factory*, with stations at Palmer's Island and other points. This island in the lower Susquehanna, now known as Watson's Island, was originally named in honor of Edward Palmer of England, who as early as the third decade of the seventeenth

century, had planned "to erect an academy there" chiefly, if not entirely, to offer education to the natives. Palmer's plan failed because, according to contemporary accounts, "some instruments employed" did not discharge "the trust imposed in them with corresponding fidelity,"—a somewhat euphemistic way of stating that the trustees had made off with the funds.

From 1627 to 1629 Claiborne had held a commission from Governor Harvey of Virginia to explore the Chesapeake Bay or any other part of the Virginia territory from the Potomac to the Hudson River. Claiborne, however, seemingly in violation of Virginia law, extended his license for exploration to participation in the trade with the Indians. Subsequently he secured a royal license for trading purposes. Armed with this new license, Claiborne set sail from Deal, England, on May 28, 1631, with a valuable cargo supplied by London merchants. Two months later, the ship reached Virginia and Claiborne proceeded to his trading post at Kent Island in order to establish a plantation, a proceeding described by him as follows:

Enter[ed] upon the Isle of Kent, unplanted by any man. But possessed of the natives of that country, with about one hundred men and there contracted with the natives and bought their right, to hold of the Crown of England, to him and his Company and their heirs, and by force and virtue thereof William Claiborne and his Company stood seized of the said Island.*

By the time of the arrival of the Calvert colonists, Claiborne, it must be admitted, had the better of the argument as to prior occupation in the upper parts of the Chesapeake Bay. Cecil Calvert, indeed, in his instructions to his brother,

* Claiborne first visited Virginia in 1621, the year preceding the great Indian massacre. He became Secretary of the colony and remained such through several administrations until superseded in office by Richard Kemp, who was appointed through Governor Harvey, the friend of Lord Baltimore.

Leonard, referred to the Kent Island venture as a "plantation" rather than as a trading post; furthermore, he tried to convince the already established Claiborne that the latter would realize greater profits through becoming a citizen of Maryland because of Maryland's peculiar freedom from the restrictions imposed upon the planters of the older colony.¹

It is unfortunate that sundry Virginia writers, through the past two hundred years, should have seen fit to abuse Cecil Calvert whilst praising the courage and determination of Claiborne to stand by his claims—even if his stand should involve clashes with Sir John Harvey; with the Lord Baltimore, uniquely favored by two British monarchs; with the much dreaded Court of the Star Chamber; and finally with Charles I, insofar as the Maryland Charter expressly stated that, should controversy arise as to the terms of that instrument, all loyal officials of the realm were under obligation to give it that interpretation which should be most favorable to Lord Baltimore. It seems equally unfortunate that so many Maryland historians have felt it incumbent upon them to cast the sharpest animadversions upon Captain Claiborne as a turncoat without fixed convictions.*

In opposition to Lord Baltimore, Claiborne had the support of a political group who did not regard with favor the vice-regal powers granted to a Roman Catholic peer; whilst those who looked for a continuance of a profitable traffic in northern waters realized that they would be cut off from that trade. In addition, Claiborne had at first the support not only of the enemies of Lord Baltimore in the personnel of the dissolved Virginia Company of London, but also that of a number of London merchants, notably Cloberry and Com-

* E.g.: "No politician, ancient or modern, could change face quicker than he,"—Hall, *The Lords Baltimore and the Maryland Palatinate*. Claiborne contended for his cause to the very end. After the lapse of forty years and the rise to power of five regimes in England,—with death in the offing, he addressed a letter to Charles II concerning the alleged violation of his rights in Maryland.

pany. This latter group not only had financed Claiborne's project, but had enabled him immediately to rebuild the settlement at Kent Island, when, in 1631, it was destroyed by fire. After learning of a seemingly ambiguous decision of July 3, 1633, on the part of the Court of the Star Chamber to the effect that the Chamber would "leave Lord Baltimore to his Charter," Claiborne and his associates petitioned the Lords Commissioners of Trade to protect their interests. The first petition submitted was that of "Sir John Wolstenholme, Knight, and other planters, with Captain William Claiborne of Virginia," alleging that they had established a settlement on the Island, at great expense. The petitioners added: "We beseech your Honors that it may not be taken from them but that they may have your Lordship's order to enjoy the same with freedom of trade without any interruption, and that the said Lord Baltimore may settle in some other place."²

Charles, however, was probably too deeply engaged to make reply. He was wrestling with the problem of raising revenue without going through the formality of calling a Parliament. Besides, the Claiborne petition was presented in November, 1633, the very month Baltimore's expedition set out for America. In the meantime, Cecil Calvert had proceeded as rapidly as possible with his father's plans under the designated grant. Recognizing the desirability of conciliating Claiborne, if that should be possible, he directed his brother Leonard, as governor of the projected Province, to arrange for an interview upon his landing in Virginia. Leonard was instructed to tell Claiborne that Baltimore knew of his having "settled a plantation" within the bounds of the Maryland grant, and that he was "willing to give him all the encouragement he could to proceed." Baltimore significantly added that Cloberry and Company, Claiborne's financial backers in London, had asked for the Island for their use; that they had, in so doing, spoken slightly of Claiborne's

interest; and that to their request, Lord Baltimore, out of consideration for his American neighbor, had given no answer, but had "deferred the matter until he could come to an understanding with Captain Claiborne." Doubtless there would have been no trouble between the high contending parties had Captain Claiborne submitted to Lord Baltimore's claim of overlordship. Judging by his dealings with others, Baltimore would have lived up to his promises, and the venture should have been mutually profitable; but, for an individual of pride, with the ambition to 'build an empire,' a position of independence is one thing and a dependent one quite another. Besides, there were the colonial and charter claims of Virginia settlers. Had Claiborne been willing to yield, he would have been accounted a craven by many of his associates in Virginia, who were then "hot" against Governor Harvey and the newly proposed royal restrictions, from which the settlers of Maryland were to be free. Hence, when Claiborne submitted Baltimore's message to the Virginia Council on March 14, 1634, he asked the advice of that body as to what he should do in the matter. Thereupon:

It was answered by the Board, that they wondered why there should be any such question made. That they knew no reason why they should render up the rights of that place of the Isle of Kent more than any other formerly given to the Colony by His Majesty's Patent; that, the right of my Lord's grant being yet undetermined in England, we are bound in duty and by our oaths to maintain the rights and privileges of this Colony. Nevertheless, in all submission to his Majesty's pleasure, we resolve to keep and observe all good correspondence with them, no way doubting that they on their parts will not intrench on the interests of this his Majesty's plantation.

Claiborne, supported by the greater part of the Virginia Council, regardless of Governor Harvey and royal commissions, returned a refusal to his Lordship's proposal. In the event of such a rebuff, Baltimore's instructions to his

brother had been to let the matter rest for a while until the infant colony had time to get well settled; and then, if need be, to bring the matter to a trial of strength. But this prescribed interval of peace was not to be. Misunderstandings, at least, or direct misrepresentations by some, on one side or the other, aroused enmity, followed by open conflict. What at first happened to promote active ill will and open the way for hostilities forms a muddled story of charges and countercharges. According to the early accounts of the affairs of the colony, the Maryland settlers and the Indians lived harmoniously together for several weeks. Then came a period when the colonists saw a sudden change in the demeanor of the natives. The supply of corn and other provisions suddenly ceased. Fearing a general attack, the settlers strengthened their fortifications and went about prepared for ambush or open assault. "It was found," says Scharf, "that Claiborne had persuaded them that the colonists were Spaniards ('Was-paines') come to rob and destroy them; in proof of which assertion he had referred to the similarity of their religious rites."

According to findings in the contemporary investigation to which these historians refer, the matters charged against Claiborne were fabricated entirely by Captain Henry Fleet, who "had been a rival of Claiborne's in the fur trade." In Dr. John Herbert Claiborne's volume, we read: "It is interesting to glance at the examination of the King of the Patuxents before the above Commission, as shown in 'Maryland Archives,' V, p. 164. A number of questions were asked the King. The fourth demanded to know whether the Indians had ever heard Captain Claiborne say that the English of St. Mary's were Was-paines; the answer was that 'Claiborne did never speak anything to him of them.' The fifth question was 'whether Captain Clayburne at any time hath consulted or practised with them or any other Indians to fall out with or destroy the inhabitants of Maryland. Or whether he

knows of any other English that hath or doth practise the same.' The King said: 'I am very angry that Captaine Fleete should belye mee thus,' and setting up a sticke before him often said, 'I would Captaine Fleete were sitting there, and Wingatonkah by him and hee should heare, I would tell him hee lyed.' Then all the Councillors and Indians present said, when they came to speake with Captain Fleete, "all the lyes would redound upon him and lye upon him as high as his necke, and at last breake his necke.' The King further added, he wondered they should take any notice at all of what Fleete said: and the Virginia Commissioners, joining in, said the Marylanders 'did not know' Captain Fleete so well 'as we of Virginia, because they were lately come.'"³

Whatever may have been the truth as to the temporary alienation of the local Indians' loyalty, Captain Claiborne and his associates continued to trade in Maryland waters without authority from Lord Baltimore. Governor Calvert, therefore, ordered a pinnace, belonging to Claiborne, seized for trading in Maryland without a license from the Lord Proprietor. Thomas Smith, master of the *Long Tail*, for such was the name of the vessel, was arrested and shortly thereafter released; but the vessel appears to have been confiscated. When Smith was asked for a license, he produced Claiborne's original commission supported by a communication from the King under date of October 8, 1634. This letter was seized by the Marylanders and declared spurious—and so it would not unnaturally appear to colonials aware of the terms of the Maryland Charter. The most likely explanation of this letter, in view of his Majesty's government's subsequent acquiescence in the expulsion of Captain Claiborne and the denial of his claims, is that Cloberry and Company had quietly got the ear of the King, who did not, when issuing this letter, understand that Kent Island was well within the bounds of the Maryland grant. This royal missive, addressed to "Our Governor and Council of Virginia, and to all our

Lieutenants of Provinces and Countries in America," reads, in part:

By a petition exhibited unto us by our loving subjects William Cloberry, John DelaBarre, and David Morehead, we are given to understand that whereas by our Commission they had formerly traded [upon], planted, and inhabited an Island near to Virginia which they have nominated the Kentish Island, and have to their great charge not only sent over a good number of people and cattle but bought the interest of the natives in that Island; nevertheless (as they inform) by pretence of a later patent granted to the Lord Baltimore, some of his companies have assaulted them and hurt some of the said inhabitants, and endeavor to drive them out and prohibit their trade; which is contrary to justice and the true intention of our grant to the said Lord: we do therefore hereby declare our express pleasure to be that the said planters be in no sort interrupted in their trade or plantation by him or any other in his right; but rather that they be encouraged to proceed cheerfully in so good a work. And we do require you our Governor and Counsel there, and all other our Governors, Lieutenants, and Officers in any of those Countries in America, to be aiding and assisting unto them, so as they may peaceably enjoy the fruits of their labor. And we prohibit as well the Lord Baltimore, as all other pretenders under him or otherwise to plantations in those parts to do them any violence, or to disturb or hinder them in their honest proceedings and trade there.⁴

The story of the threatened Indian attack and the charges concerning the same reached England some time in the summer of 1634. On September 4, Lord Baltimore wrote to Commissioner Hawley and Cornwallis that "if Claiborne would not acknowledge the Maryland patent, "to seize him and detain him a close prisoner at St. Mary's; and, if possible to take possession of his plantation on the Isle of Kent." Nevertheless, no immediate action was taken by Leonard Calvert to seize Kent Island; but there occurred, some months later, the seizure of the pinnace of Captain Smith to which reference has been made. Claiborne did not await

further negotiations. He promptly armed the *Cockatrice* for the purpose of making reprisals. The "wherry" was met at the mouth of the Pocomoke by Captain Cornwallis commanding the *St. Helen* and the *St. Margaret* for Governor Calvert; and on April 23, 1635, there occurred what is often called the first naval engagement in North American waters. The Marylanders asserted that the *Cockatrice* was the first to open fire, whereupon William Ashmore, of their party, fell; but the *Cockatrice* surrendered after its commander and two of his men had been killed.

When Claiborne heard of this reverse, he sent out another vessel under the command of Captain Thomas Smith. The latter, on May 10, 1635, met a Maryland force not far from the place of the first engagement. Concerning this second encounter, there are few details available; but Smith was apparently victorious, after which Governor Calvert deemed it best to await a more favorable opportunity to rid Maryland of Claiborne and his claims, possibly by methods less likely to risk extended civil war in America, and the possible ruin of the infant Province. Also at this time, Leonard Calvert received the startling news from Virginia of the ousting of Governor Harvey, leaving the anti-Baltimore "faction" in control of the government of that colony. This news must have arrived with advices from the Proprietor to the effect that the Cloberry group were about to desert Claiborne because of the great falling off in the returns from the fur trade; and it was this Virginia-directed trade which Governor Calvert was endeavoring to discourage. The resignation forced upon the royal appointee, Harvey, was in truth a bold defiance of his Majesty, despite whatever complexion was put upon the act by the leaders of the popular revolt. The Virginians had promptly elected Captain West, a younger brother of Lord Delaware, to act in Harvey's place. Thereupon the militant Mathews wrote a long letter of explanation to Sir John Wolstenholme saying, in substance, that Gover-

nor Harvey had suppressed letters of protest against trade monopolies addressed to the King; that he had favored the Marylanders with the trade in corn to the deprivation of his own people, added to the appearance of an "unusual kind of weevill that last year ate our corn"; that the "Indians had committed depredations which were unavenged," and that it was believed the Governor had privately profited by a "dangerous peace" with them; that "the inhabitants also understood with indignation that the Marylanders had taken Captain Claiborne's pinnaces and men with the goods in them, whereof they had made prize and shared the goods amongst them, which action of theirs Sir John Harvey upheld."⁵

A requisition from Governor Calvert on the Virginia authorities for the delivery of Claiborne's person was ignored or refused; but Captain West outlined to the Lords Commissioners of Plantations the course that was being pursued under his authority, whilst awaiting instructions from his Majesty or the Commissioners. After stating the condition of the colony and the causes which led up to the deposition of Governor Harvey, he wrote: "Without infringing [upon] his Majesty's grant to the Lord Baltimore, we have taken the nearest course for avoiding of further unnatural broils between them of Maryland and those of the Isle of Kent. As we find those of Maryland in our limit[s], we bind them in deep bonds to keep the King's peace towards those of the Isle of Kent, as also Captain Claiborne, the Commander of the Isle of Kent, towards those of Maryland."⁶

It is now in order to introduce, in some detail, the remarkable request by Lord Baltimore that he, remaining absolute Lord Proprietor of Maryland, be also appointed the royal Governor of Virginia. Cecil Calvert sought to take advantage of the unsettled state of affairs in Virginia to make application for the place vacated by Harvey and held by acting governor Francis West. The news of such an attempt

at this time must have doubly stirred the opposition of the Virginians. As Claiborne dreamed of extended empire towards the Susquehanna, Lord Baltimore more than doubled his daring in applying for authority south of the Potomac. Lord Baltimore, who advanced the proposition of his appointment through Secretary Windebank, held out the lure of an increase, under his proposed administration of Virginia affairs, in his Majesty's revenues by some £8,000 yearly. What Charles thought of the proposition is not known. Possibly Windebank and others advised against it, as likely to promote active rebellion in the "Fifth Kingdom;" and already the spirit of revolt threatened Charles at home, parliaments or no parliaments. Besides, angered by the forced return of Governor Harvey, the King had declared that the latter must be returned to Virginia, "though he stay but for a day."⁷

To Secretary Windebank, Lord Baltimore wrote, under date of 25 February, 1637, suggesting the governorship of the older colony. This letter antedated by a few days the following "memorial:"

. . . . That Mr. Secretary may be pleased to take notice to his Majesty how sensible he hath often found the Lord Baltimore to be, for the great favors he hath received from the King, in his late occasions, and how desirous he is to do him some acceptable service, wherein he may express his duty and gratitude to his Majesty.

The consideration whereof hath invited him, to take some pains to inform himself of the present state of Virginia, whereof he hath acquired so much knowledge, as he well understands the great prejudice the King suffers there, by not receiving so much profit from thence, as he ought to have, and is due; whereupon he did assure Mr. Secretary that he would undertake to improve his Majesty's revenue from thence eight thousand pounds yearly, more than now he received for, or by reason of that plantation and this his Lordship will do, without laying any new, or other tax or imposition on the Planters, than what they now do, and will most willingly pay.

But because this advancement of the King's revenue in Virginia cannot be effected, unless the Lord Baltimore do repair and reside some time there, which he cannot with his safety well do, except he be authorized and enabled by having the government of that country; whereunto, though Mr. Secretary perceives the Lord Baltimore hath no ambition or affection yet [but] for the advancement and performance of this service, he doth verily think that upon his Majesty's command, the Lord Baltimore would accept of the government, and two thousand pounds yearly for the support thereof, payable out of that improvement of rent, and for that purpose would so accommodate his private occasions here, as he might be ready to transport himself thither, with as much speed as his Majesty and this service required. And that if his Majesty were pleased to speak with the Lord Baltimore, he would upon signification of his pleasure, make his present repair from the country, to give him particular and perfect satisfaction, of the means and manner, to raise this increase of revenue.⁸

Such a plan, if carried out, would have greatly enhanced the prestige, and correspondingly increased the responsibilities, of Lord Baltimore. On the other hand, although James I had dissolved the Virginia-London Company, some of those interested still entertained hopes that the Company's charter would be renewed by Charles, or that another would be granted in its stead. Possibly, in search of concessions or what not, his Majesty may have dallied with the idea; for he entertained a petition to some such effect as late as 1637. In any event, after Lord Baltimore's suggestion as to his appointment to the governorship of Virginia, the Proprietary of the Maryland Province became alarmed lest something quite the opposite would come out of the unsettled state of affairs. Consequently, Lord Baltimore wrote directly to the King in May, 1637, calling his Majesty's attention to the grant of the Province of Maryland, and particularly to the "several privileges and immunities" included "for his better encouragement to proceed in the planting thereof." Touching directly upon the subject of the proposed corporation or charter for Virginia, he wrote:

. . . . Your subject is confident your Majesty will not give way to a thing so notoriously tending to his destruction, especially considering that his said grant was passed unto him after many references had thereupon to divers of the Lords of your honorable Privy Council, who both before and since the passing of it have often times, notwithstanding all the objections to the contrary, allowed and confirmed the same unto him; whereupon and in confidence of your Majesty's royal justice and favor for his quiet enjoyment of it, he hath employed the greatest part of his fortune in the preservation thereof.

May it therefore please your most excellent Majesty that your subject may enjoy the full benefit of his said grant, and that you will be pleased to give directions to your attorney and solicitor-general, that nothing may pass from your Majesty in the new intended grant aforesaid nor in any other which may any way impeach either the jurisdiction, government, or other interest granted to your petitioner in the said charter of Maryland. . . .⁹

The Virginia Company was not incorporated; but it is interesting to conjecture what would have been the ultimate outcome, if the King had granted Lord Baltimore's petition in regard to the resident governorship of Virginia; or if, on the other hand, his Majesty had seen fit to revive the charter of Virginia or had granted a new one. In the meantime, the inactivity of Governor Calvert as to the proposed reduction of Kent Island, together with Governor West's policy of putting all under bond to "keep the King's peace" caused both colonies to pursue the even tenor of their ways without open friction. Indeed, peace was maintained up to the time of the entry of one George Evelin who, as the agent of Cloberry and Company, appeared at Kent Island in December, 1636. Trouble began to brew shortly thereafter, and Evelin lost no opportunity to add fuel to the flame of dissension, first on one side and then on the other.

When Evelin first arrived at Kent Island he loudly asserted the supremacy of Virginia and railed at the claims of Lord Baltimore. When supplies began to arrive from Cloberry and Company, these were assigned not to Claiborne but to Evelin. Claiborne, though surprised, made no complaint; and freely gave advice and assistance to Evelin, who, as soon as he was well established, requested Claiborne to turn over the control of the island to him, privately showing Claiborne an order to return to England and render an account. Apparently quite willing that his acts should be fully investigated, Claiborne prepared to make his report in person to Cloberry; but, before taking ship, he repaired to Kent Island. There, beginning to suspect Evelin's intentions, he called, May 18, 1637, a meeting of both freemen and indentured servants. In the presence of all he offered to give possession in favor of Evelin, if the latter would give bond to the amount of £3,000 not to yield to the claims of the Marylanders and not otherwise to despoil the settlement. This Evelin refused to promise, and Claiborne, voicing a formal protest, left for England. Scarcely was Claiborne out of sight before Evelin repaired to Virginia. There he misrepresented Claiborne in declaring that the latter had absconded in a pinnace belonging to Cloberry and Company. Showing his power of attorney from the latter, he secured possession of all the available supplies held by Captain Claiborne for himself or for the Company. To accomplish this, he obtained a warrant from the unsuspecting Governor West and his council. After selling the cargo of the pinnace in Virginia and pocketing the proceeds, Evelin hastened back to Kent Island, where he showed his power of attorney to the people and took control of "all the plantations, houses, goods, mills, servants, and whatsoever else belong to Cloberry and Company." Thereupon Evelin addressed himself to the business of alienating the allegiance of the islanders. This was a much more difficult task, it appears, than he had anticipated; so he

sought to persuade Leonard Calvert to compel the inhabitants of Kent Island to acknowledge the authority of Lord Baltimore.

In the meantime, Evelin had sought a residence upon the western shore of the Chesapeake, and he finally received a grant of land as the Lord of the Manor of Evelinton, laying claim to some of the acreage of his new estate on the basis of more or less irregularly transporting servants to it from Kent Island. Thither, also, he transferred much of the property belonging to Claiborne and the Cloberry group; for, by this time, he was prepared to sacrifice not only the Claiborne but the Cloberry interests and those of all the islanders as well. Eventually he even dug up and transplanted the fruit and ornamental trees from Claiborne's private orchard and gardens. With the island partly despoiled and the trade with the Indians in a state of decline, Evelin visited Kent armed with a commission from the Governor of Maryland as Commander of the island. Having called together the people by virtue of his double authority he told them he had found himself much mistaken as to his previous conception of Lord Baltimore's patent, which, he now said, was valid; and that he was convinced, for the good of all concerned, submission should be voluntarily made to one who could use his power at any time to overwhelm them; that the deposed Governor of Virginia (Sir John Harvey) was now returned, and that he carried positive orders from the King that the island should be forthwith given up to the Lord Proprietor of Maryland. Evelin attempted, also, to persuade the islanders that their best interests and future hope of prosperity lay with Maryland, pointing out the impressive fact that under the charter granted to Baltimore they could sell their tobacco and other commodities to whatsoever countries they pleased, whereas under the domination of Virginia, they must necessarily confine their trade to the mother country. Notwithstanding all this, the islanders were obdurate, and

arguments appealing to their self-interest failed equally with the others. The island leaders told Evelin they would acknowledge his authority as the agent of Claiborne or of Cloberry, but not as that of Commander from St. Mary's.

This was in November, and Evelin, on his return to St. Mary's, persuaded Governor Calvert to fit out an expedition for the forcible "reduction" of the islanders. The expedition landed at Kent before dawn one morning in December. The event is described by Streeter as follows:

Captain Evelin either accompanied the expedition, or met them on the shore, which they reached at night, and guided them to the fort, that fell into their possession without resistance. The next morning, the astonished people found their stronghold in the hands of their rivals, themselves overawed by an armed force, their Island declared of right and by conquest a dependency of the government of Maryland and the jurisdiction of Claiborne and his partners under the government of Virginia at an end.¹⁰

After Governor Calvert returned to the seat of government, he issued a second commission to Evelin to maintain the government of Kent, giving him power to select his assistants, which the latter proceeded to do. Straightway the unfortunate islanders fell upon evil days. Against several of the leading men numerous suits were promptly brought in the name of Cloberry and Company, who soon had reason to regret their faith in the agent they had sent out. A few weeks more, and Evelin abandoned all pretense of caring about Kent Island; for his whole concern lay at St. Mary's, or more specifically with his own affairs. In Maryland, as in Virginia, he seems at first to have met with some esteem; but it was not for long. On April 22, 1638, he was replaced by William Brainthwaite as Commander of Kent Island, and it seems that he returned to England some time during the same year, leaving Evelinton and sundry debts and assignments to his "dear brother" Robert. Having returned to England, the

name of the former agent appears in some litigation as having "falsely" sold the services of certain servants in Maryland upon whom he had no claim.

Affairs were breaking badly for Claiborne; for almost simultaneously with this seizure of his property in America, the Lords Commissioners decided, April 4, 1638, that the right and title to Kent Island and other places in question belonged absolutely to Lord Baltimore, adding that "no plantation or trade with the Indians ought to be within the precincts of his patent without license from him." A few days before, the King had ordered the Commissioners not to allow any matter prejudicial to Lord Baltimore to pass the seal, proceedings which literally carried out that remarkable provision in Baltimore's charter requiring all matters in doubt to be decided in favor of the Proprietary.¹¹

For a moment, in the midst of this prolonged controversy, there had appeared to Claiborne and his supporters a gleam of hope, because, in answer to a Cloberry complaint, which was supported by the Earl of Sterling, the King wrote to Lord Baltimore on the 14th of July demanding that he give heed to his former instructions as to the Kent Island "planters, and their agents," that they "may enjoy in the meantime their possessions, and be safe in their persons and goods there." The tone of the letter was unlike any that His Majesty had hitherto addressed to George or Cecil Calvert. It contained a distinct note of warning in expressing the expectation that Lord Baltimore would heed those previous instructions, "that we may have no further cause of any further mislike," whilst the Claiborne complaint was awaiting the judgment of the Lords Commissioners, to whom the King had referred it.¹² On the 21st of July, this letter was by David Morehead, representing the Cloberry interests, dramatically presented to Lord Baltimore for answer in the presence of Claiborne and three others. Baltimore, however, refused to give an immediate reply, declaring that he "would wait upon his Ma-

jesty and give him satisfaction." This he must have done with marked success; for Claiborne, finally defeated at Court and Council Board, returned to Virginia; and some months after he had arrived in America, he gave power of attorney to George Scovell, August 21, 1640, to appear at St. Mary's in an effort to recover his "money debts, cattle, tobacco debts," and other personal property.

The answer of the Maryland government was brief but comprehensive and final, that:

What estate Captain William Claiborne left within this Province at his departure undisposed of on 24 March, 1637, the petitioner may know that it is possessed by right of forfeiture to the Lord Proprietary for certain crimes of piracy and murder whereof the said Claiborne was attainted the day aforesaid by judgment of the house of General Assembly; if the petitioner can find out any of the said estate not possessed or held by that right, he shall do well to inform his Lordship's attorney of it that it may be recovered to his Lordship's use.¹³

Two years later, as compensation for the losses in Maryland, the King appointed Claiborne Treasurer of Virginia for life; but before closing the first chapter of this conflict of territorial claims, on the outcome of which hung the fate of a considerable part of the Atlantic seaboard, it should be noted that the legal interpretation of the famous *hactenus inculta* phrase reappeared about forty years later in the dispute between Cecil Calvert's son and William Penn; whereupon, the original decision was reversed to favor the contention of the Proprietary of Pennsylvania, to the effect that the land claimed by the latter was cultivated before the date of Lord Baltimore's patent. At this time the disposition of another part of the Atlantic seaboard was at stake, with the subsequent carving out of a colony destined to be a powerful State under the federal constitution. It appears, therefore, if the latter opinion was just, the former was unjust, and *vice versa*.

Kent Island was inhabited by Englishmen, whereas Delaware had had thereon a settlement, held first by Swedes and then by the Dutch; and neither of these claims to North American soil had been allowed or admitted by the English as valid.

CHAPTER VIII

INVASION AND RECOVERY

THE Claiborne controversy furnished a prelude to difficulties that twice overwhelmed the infant Province; first in the irruption of one Captain Richard Ingle; and second, in the advent of the Puritans.

As Cecil Calvert was unable to leave England, fearing his interests would suffer at court or council board, so was it dangerous for his brother Leonard to leave the colony. Nevertheless, Governor Calvert sailed for London early in 1643; and the annals of the Province would be much the richer if records had been preserved of conferences with the Lord Proprietor. There may be little doubt, however, that Leonard was given new instructions, credit for accomplishment, and some measure of reproof regarding matters which will come up for discussion in a later chapter. Returning to Maryland in September, 1644, Governor Calvert found the Province disquieted by rumors and distracted by the mistakes of those whom he had left in charge. Because of the procedure of these officials, issues long held in suspense were precipitated, with disastrous results. In particular does the story involve the activities of mariner Ingle. In his biographical sketch of Captain Cornwallis, Stratemeier writes: "Captain Ingle was a rampant parliamentarian given to treasonable outbursts on his own quarter-deck. Sworn information was laid before acting Governor Brent that he had used language such as 'The King is no King;' that he was 'a captain of the Parliament against the King;' and other expressions of the same kind." Ingle was indeed a reckless and

independent spirit. He was, however, neither altogether bad, as some have painted him, nor one content to contend only for justice. On the one hand, to have allowed him to go his way unrebuked might be held to commit the colony to the side of the Parliamentary party; on the other hand, to arrest him as a traitor was to place the province on the side of the King, and the conservative leaders earnestly hoped to achieve a position of benevolent neutrality. As Browne observes: "The somewhat singular proceedings that followed look very much like an ingenious device to slip between the 'horns of the dilemma.'"¹

This comment may be elaborated upon and, in some particulars, amended: It would seem that failure to arrest Ingle—since in both England and America the air was vocal with Parliamentary sentiment—would not have compromised the colony in favor of Parliament nearly so much as his formal arrest placed it with the opposite faction. The manner of his arrest was evidently regarded as hasty and ill advised by several of the colonial leaders. The principal accusation was brought forward from what afterwards turned out to be an untrustworthy source; and acting Governor Brent may have seized an opportunity to square accounts with Ingle for having previously invoked the action of the Assembly against him in 1642,² shortly after Ingle's first known appearance in the Province. In any event, in January, 1644, the boat-swain of Ingle's ship, the *Reformation*, brought against one William Hardige a suit for tobacco, returnable February 1. Three days after the serving of this suit, a warrant was issued by Governor Brent to Hardige for Ingle's arrest upon a charge of "high treason to his Majesty." This was accompanied by an order to Captain Cornwallis to aid and to keep the proceeding secret. Ingle was arrested and given into the custody of the Sheriff; his ship was seized by Governor Brent, and a notice was nailed to the masthead making it treason for anyone to aid or assist the prisoner. Unfortunately, as

Sheriff Edward Packer subsequently reported, there was no public jail "but his owne hands;" and it seems that the Sheriff was underconstraint to entertain personally the official prisoners of the Province, so that when Councilors Thomas Cornwallis and James Neale came out of the council meeting with Ingle, all three being headed for the latter's ship, the Sheriff accompanied the group, believing "from certain words spoken by the Secretary" at the meeting, that the Governor and the Council had agreed to let Ingle go aboard. In the meantime, a guard under John Hampton had been placed upon the seized vessel with alleged instructions from Governor Brent "not to permit Richard Ingle to come aboard in any wise or upon any color whatsoever." When, however, the before-mentioned group came on board, Captain Cornwallis was reported to have said: "All is peace," simultaneously persuading Hampton to disperse the guard.³

As far as Ingle was concerned, after the retirement of the guard and the accompanying deputation, "escape" was easy. It was not so simple, however, for those who, by design or through a series of misunderstandings, permitted the prisoner to go free. A second special order was issued by Brent for the arrest of Ingle together with a warrant that "appointed and commanded his Lordship's Attorney General to prosecute against Mr. Neale, Captain Cornwaleys, Edward Packer, and John Hampton for their rescue and escape of Mr. Ingle, according to justice and equity." Formal charges were brought by Attorney General Lewger against James Neale, Esq., one of his Lordship's Council, Captain Thomas Cornwaleys, Esq., Edward Packer, *late* Sheriff, and John Hampton, planter." As it turned out, all escaped punishment except the faithful Cornwallis, who, it would seem, was made the scape-goat for the others. He was fined the full limit allowed by the law, as he afterwards testified; *viz.*, 1,000 pounds of tobacco. James Neale, who appears to have approved of Cornwallis' entire conduct on board Ingle's ship,

or who certainly did not protest as he could have done, was exonerated, and restored to the Council. Cornwallis, smarting under this alleged injustice, felt impelled to "flee" to England in the same ship with Ingle.⁴

It would be interesting to know certainly just what caused Cornwallis to flee the Province. On a previous occasion, he had written the Proprietary that if he and other tobacco planters were not relieved he would gladly quit a country where he had suffered overmuch already in the effort to raise the "stinking weede of America." In any event, when he was arraigned before the Governor and Council in Maryland, Cornwallis declared that he did not accept at face value the charges brought against Ingle; that William Hardige was actuated by malice; and that the jury called to pass upon Hardige's testimony had sat all day without agreement thereto. Cornwallis, further, "supposed and understood" that Ingle had gone on board his ship with the consent of Governor Brent, the Council, and Sheriff Packer. This testimony, however, does not seem to tally with that which, in 1645, Cornwallis gave before the Lords in Parliament in his subsequent altercation with Ingle. On the latter occasion, Cornwallis is recorded as definitely declaring he had, in the matter of Ingle's arrest, immediately showed his "affection to the Parliament," by finding "means within eight hours' space to free Ingle and to restore him to his ship and all his goods again."⁵

In both the instances above cited, Cornwallis was pleading for his liberty, his property, and possibly his life. There were certain evident contradictions; but there is so much truth in both of his pleadings, that it becomes rather a matter of emphasis. Ultimate results count heavily in the making of estimates; and it is noted that Cornwallis was restored to public confidence in the Province. Again, it may be said that the laws of that day infrequently defeated the intention of their framers by their very severity. For that reason, the period

under discussion has been called the "age of perjury." If a man admitted guilt in a trivial offense, or in a single item of a general accusation, he might have all his property confiscated, be jailed for life, or sent to the gallows. In Maryland, as elsewhere in the English dominions, there were patriotic men who took the popular side at the beginning of the struggle between Charles I and Parliament, but who, like Lords Clarendon and Falkland in the mother country, came into sharp disagreement with the Puritan cause when its leaders undertook to make radical changes in the constitution of church and state. Captain Cornwallis' independent course in the Maryland Assembly strongly suggests that he may have belonged to this class. Other men of prominence in the colony, however, were, at this time, firm supporters of the King, moved, no doubt by an appreciation of the exceptional favors which Charles I had granted to the Proprietary and his followers in the liberal terms set forth in the charter of the Province.

As previously noted, Ingle was not unknown in Maryland, having in 1642 brought Captain Cornwallis back from England; and he appears in the records of March, 1643, as follows: "Richard Ingle, mariner, on the behalf of Mr. Peniston and his partners, demandeth 600 lbs. tobacco and cask, of Jane Cockshott, widow, due by recognizance from her late husband deceased, whose administratrix she the said Jane is."⁶ Immediately below this item is a brief, but, under the circumstances, significant line in regard to Richard Ingle's first accuser: *Attachment vs. William Hardige in case Capt. Cornwallis*. In fact, Hardige appears frequently in the citations for debts, and several of these debts were due those associated with Ingle in the tobacco trade. Active in matters of litigation, this enterprising tailor may have conceived the brilliant idea of cancelling all debts and gaining royal favor by securing the indictment of Ingle for his "contemptuous" references to the Crown. Hardige furnishes us with an

interesting study of the unfolding of a pioneer democracy. Taking advantage of the political freedom and approximate political and social equality in America, he appeared to take delight in making himself seen and heard on all possible occasions. The first time he appears in the Court and Testamentary records, Cornwallis calls him to account for "2360 lbs. of tobacco, with cask." In eight years his name appears in litigation of some sort no less than 48 times. It appears, also, that he was one of those who subsequently sacked the house of Captain Cornwallis.

In August, 1644, persons trading between England and Virginia petitioned the House of Commons for permission to transport, *duty free*, arms, food supplies, and clothes to those in the colonies who were "well affected" towards the Parliamentary cause. Accordingly, seven or eight such vessels secured commissions of this character, one of which was the *Reformation*, commanded by Captain Richard Ingle. Ingle himself set sail for Maryland, where, entrusted by Cornwallis with £200 worth of goods, he arrived in February, 1645. He soon found that things were ripe for any steps which he may have had in view from the beginning, or which he improvised on his arrival. In the first place, Claiborne had actively revived his claims to Kent Island, and Leonard Calvert was kept busy visiting the authorities in Virginia to defend the rights of Lord Baltimore; also the Indians had been causing great uneasiness, both before and after the Opechancanough massacre in Virginia. Ingle landed an armed force from the *Reformation*, or, according to Streeter, from several vessels.⁷ He took possession of St. Mary's City, presumably making prisoners of those members of the Assembly and such others as offered resistance or objection. An oath of submission was then tendered the settlers, which many of the colonists, inclusive of the Catholics, refused to take. This gave Ingle an opportunity to treat them as enemies to the Parliamentary government, which was then professing from London to act for the whole of England.

Ingle had shown considerable boldness in his early support of the Parliamentary cause. How sincere a Puritan he was is another matter; but, in any event, he took advantage of a convenient Puritan text as to the despoiling of the Egyptians by the Lord's chosen people; and in this case, the Egyptians happened to be Catholics and royalists in the Province. A "plundering time" followed. Much of what happened is not clear; but, curiously enough, the plundering was by no means universal, as might have been expected under the circumstances. Among the Catholic leaders, Secretary Lewger, for example, appears to have remained in the Province and to have fared well, while others, including Leonard Calvert, fled to Virginia to the protection of those staunch royalists, Governor William Berkeley and Secretary Kemp.⁸

The statement afterwards made by Captain Ingle contains a manifest falsification as to what Governor Calvert was planning to do against Parliamentarians and Protestants; so, on the other hand, the accusations made by some of the Proprietary partisans as to Ingle's conduct in the Province, both before and after his seizure of St. Mary's, are to be taken with much salt. While one's sympathies are with the Maryland colonists, nevertheless, it is incorrect to entertain the view that Ingle was primarily a pirate, buccaneer, or free-booter. Ingle did sanction or permit pillage, the extent of which was afterwards, in the manner characteristic of the age, considerably exaggerated in official reports. The thing most distinctly discreditable to him was his treacherous treatment of the over-trustful Cornwallis, for which it is difficult or impossible to find the shadow of an excuse. Ingle must at least be credited with a grievance. Governor Brent, royalist and Catholic, had suddenly, (to Ingle maliciously; to the Catholic Cornwallis, unnecessarily), put this strident Roundhead sympathizer in jeopardy of his life; whilst sundry of the Maryland colonists evinced a disposition to hang him. It is surprising, therefore, that Ingle did not take dire and particular vengeance upon Governor Brent and his entire con-

nection, including his sister Margaret. Perhaps this remarkable woman helped stay the vengeance of the invader, as afterwards she saved the situation for Governor Greene. In the course of time, when the representatives of the settlers or of the Council, Catholics and Protestants, undertook to support Captain Edward Hill for governor of the Province, the proceedings were acquiesced in by Ingle.

Some of the invaders, supported by certain malcontents, stayed on for a while; but the irruption had run its course; whereupon Leonard Calvert, raising an armed force in Virginia, returned to Maryland; and he appears to have been welcomed by all save certain individuals who had taken advantage of the invasion to do some plundering on their own account, notably those who damaged the house and killed or carried off the live stock of the absent Cornwallis. It is possible that there was a secret agreement between Governor Berkeley, Captain Hill, Governor Calvert, and Secretary Lewger prior to the setting out of Hill for St. Mary's; for the *coup d'état* was accomplished with so much ease and dispatch that it seems to have moved forward by prearranged schedule.⁹

Leonard Calvert inherited the entire membership of the Hill "rebel" Assembly, accepting it without issuing a summons for a new election. Hence, it is particularly interesting to learn, in view of the mystery surrounding this session, that Calvert received the Assembly in the form of a *bicameral body*, as formerly proposed by Robert Vaughn but rejected by Governor Calvert. The very brief records of this Hill-Calvert Assembly of 1646-7 begins with an entry: "At St. Inigoes Fort, 29th December, 1646" (O. S.) which is followed by the phrase, "The Burgesses being sent for," etc.¹⁰

The return of Leonard Calvert to St. Mary's appears to have been unexpected by Claiborne, recently appointed Treasurer of the colony of Virginia. Governor Berkeley and Secretary Kemp must have known of Calvert's plan of action; but in this matter, their sympathies and those of

the Treasurer were evidently at odds. When the news reached Claiborne, he realized that Calvert's restoration meant his own expulsion from Maryland, unless he should strike the first blow. He had seized Kent Island professedly under a commission from the Governor of Virginia. With the help of the Islanders and some forty others, who had come with him from Virginia, he now proposed to move against St. Mary's and take Governor Calvert prisoner. Preparations for the enterprise were actually under way when some of the more prudent desired to see the authority under which he acted. Claiborne declined to show it, whereupon the greater part drew back from the enterprise. "He then proposed," says Streeter, that they should go under the lead of his cousin, Richard Thompson, offering to take them down to Point Lookout in pinnaces, proceeding thence to Chicacoan on the south bank of the Potomac to secure reënforcements and a nearby base of supplies. The response was negative; and Claiborne returned to Virginia, whereupon the Island was again "reduced" by Governor Calvert, who issued a general pardon.¹¹

Leonard Calvert was now approaching the end of his labors, when a new trouble arose to vex him, and, incidentally, his successor after him. He had promised the "soldiers" compensation for their services; but he had made it clear to them that they should not have the privilege of pillage if he met with no resistance. In that case, he would receive the inhabitants in peace and employ the soldiery only in the "reducement of Kent." It was understood that compensation, in lieu of pillage, should be forthcoming from the proceeds of his Lordship's estates. This matter was brought to the attention of the Assembly by certain sworn deponents, as soon as that body had been convened by Governor Calvert. Evidently, the freemen wished to know at once how matters stood in reference to this imported company of soldiers directly under the Governor's control. What turn or turns the discussion took or how the Governor explained the matter is

not known; but the settlement of the payment was postponed, and Governor Greene fell heir to it, as will be seen hereafter.

The last act of Governor Calvert was to issue a commission relative to Kent Island. This was delivered to Robert Vaughn under date of May 31, 1647. Some writers have, perhaps, rated his abilities too highly; but in the words of the old saying, the colony "might have gone farther and fared worse" in the search for a better man. He appears to have made mistakes in the choice of human instruments; and, at times, he antagonized the cause of the people, who were reaching out, in American fashion, for greater freedom; but in all this, he was proceeding on the assumption that such conservatism was ultimately for the public good, and that too much discretionary power for the masses would rebound, as in the past, to their undoing. Throughout his career in the Province, he was beset by many and exceptional difficulties, and yet it may be said of him that he emerged triumphant in the end. Save for brief intervals, he was the governor of the Province approximately for the first thirteen years of its existence. If Leonard Calvert may be considered "reactionary" from a political standpoint, he and his associates were ahead of their time in promoting the idea of religious freedom, albeit he appears to have lacked enthusiasm in carrying out the complementary plans of his brother, who insisted upon the subordination of the church in matters wholly temporal.

Upon his death bed, Leonard Calvert, by virtue of his commission from the Proprietary, appointed Thomas Greene planter, royalist, and Catholic, as his successor. This appointment was duly proclaimed in the Province on the following day, June 10, the witnesses in the matter having been "Mrs. Margaret Brent and Mary Brent, Francis Anpetill, and James Linsey."*

* "Mrs."—Mistress, a species of honorary title given to spinsters.

In addition to appointing Greene as Governor, Calvert made his kinswoman, Margaret Brent, sole executrix of his will with the brief instructions to "take all and pay all." Consequently, as administratrix and duly designated attorney for the Proprietary estates, she appeared before the General Assembly of the Province on January 21, 1648, in the following interesting and unique record: "Came Mrs. Margaret Brent and requested to have vote in the house for herself and voice also; for that at the last Court 3rd January, it was ordered that the said Mrs. Brent was to be looked upon and received as his Lordship's attorney." To this demand Governor Greene officially denied that "the said Mrs. Brent should have any vote in the house," whereupon Mistress Brent protested against all proceedings of the Assembly, "unless she may be present and have vote as aforesaid."¹²

This energetic and capable woman had arrived at St. Mary's in 1638, together with her sister Mary, and two brothers, Fulke and Giles. Mary and Margaret, having brought over with them indentured servants, took out a patent for property known as the "Sisters' Freehold." The provincial records are full of references to Margaret's activities not only in the management of her own and her sister's affairs, but as executrix and an agent or representative appearing on behalf of her brother, Captain Brent. Browne declares that, "In view of subsequent occurrences, one is tempted to think that if he [Leonard Calvert] had reversed his testamentary dispositions and made Greene his executor and Mistress Brent governor, it would have been, on the whole, a better arrangement."¹³

Considerable justification for this Maryland commentator's estimate may be seen in Mistress Brent's management of the "arrears" due the soldiers brought into the Province by Leonard Calvert from Virginia, by means of whose services he had regained the government. According to a statement by Scharf,¹⁴ Captain Edward Hill, the deposed execu-

tive, was in eager expectation of an opportunity to return to Maryland and had established quarters across the Potomac with that end in view. Hill was demanding satisfaction for unpaid debts due him and was at Chicacoan, on the Virginia bank of the Potomac. Under such circumstances, a mutiny of the soldiers, aided by the disaffected element within the settlement, would have greatly imperilled the peace and welfare, and possibly the very existence, of the colony. When, therefore, the soldiers threatened rebellion, Governor Greene, albeit he had acted promptly to prevent the invasion of possible enemies from without, seemed lost in indecision as to the disaffected elements within the Province. Margaret Brent, fully appreciating the peril, came forward and, apparently on her own initiative, quieted the complainants at the expense of the Proprietary's estates. Subsequently, when Lord Baltimore objected to this proceeding, the Maryland Assembly testified on Margaret's behalf in the following words: "As for Mrs. Brent's undertaking and meddling with your Lordship's Estate here (whether she procured it with her own and others importunity or not), we do verily believe and in conscience report that it was better for the colony's safety at that time in her hands than in any man's else in the whole Province after your brother's death; for the soldiers would never have treated any other with that civility and respect; and, though they were even ready at several times to run into mutiny, yet she still pacified them till at last things were brought to that strait that she must be admitted and declared your Lordship's Attorney by an order of Court (the copy whereof is herewith inclosed); or else all must go to ruin again, and then the second mischief had been doubtless far greater than the former."¹⁵

It appears, therefore, that Margaret Brent first applied the available proceeds of the late Governor's estate, and then, in this great emergency, turned to those of the Proprietary. The latter proceeding was, perhaps, somewhat irregular, yet

within the bounds of the promise made by Leonard Calvert. That Margaret acted wisely on behalf of the Province may scarcely be doubted; and it seems also clear that she acted with excellent judgment in regard to the emergency levy upon the Proprietary's property,—over and above the evidence of public approval subsequently registered by the Assembly, since the members of that body may be regarded as interested parties in being relieved from a dangerous situation without the imposition of an extraordinary tax upon themselves. Additional evidence is derived from several sources, notably the sworn oath of Captain John Price and the depositions of Walter Pakes, Lieutenant William Evans, William Whittle, and Martin Pheypo, each of whom testified to having heard Governor Calvert say that the wages of the soldiers were to be paid from the proceeds of his own and the Proprietary estates.

Subsequently to the trouble pursuant upon the beginnings of the Puritan régime in the Province, Mistress Brent removed to Westmoreland County, Virginia, where she took up several hundred acres of land in a plantation which—after the irruption of Ingle and the inrush of the Puritans,—she significantly named *Peace*. There, in 1663, she made her will and died about ten years later. This further enforces the truth of what may be termed the mutually pleasing thesis that the two sister colonies “Leah and Rachel” acted as alternate places of refuge for distressed Marylanders or persecuted Virginians. Because of the differences of opinion arising out of the Claiborne-Baltimore controversy and the Maryland-Virginia boundary claims, not a little that is favorable to either colony has been omitted by the historians of the other. Regardless of the trouble occasioned the Maryland Province by the claims of Claiborne and by the distrust of the popular faction of Virginia, it is a fact that, in times of stress, the Government of the younger colony obtained timely aid from the Governor or Council of the older.

In view of the initial success of the Maryland settlers, it may be asked why the "proceeds" from Governor Calvert's estate were not sufficient to pay the soldiers instrumental in restoring the Proprietary government. The reply is that after some thirteen years of service, Leonard Calvert owned partly developed property valued at but one hundred and ten pounds; and the records show that he was frequently involved in litigation over his failure to meet promptly numerous debts due, from time to time, to various creditors. The inventory of his effects runs the scale from "a large frame house with 100 acres of land" and a "large house with 3 manors belonging to it at Piney Neck" to such items as: "13 books; 3 lb. Sugar; 1 pair shoes; a silver sack cup; 1 very old feather-bed; an empty case without bottles and another old case of 4 bottles; a blue jug; 5 old pewter dishes, 1 basin, 5 plates; 12 pewter spoons; 4 axes, one broken." In tobacco values, as listed, three pounds of sugar considerably exceeded the value of the twelve spoons and was given a higher rating than "3 small bitts of Sylver plate," the "great old square chest," and a number of other articles of furniture or wearing apparel. Furthermore, the said three-pound item was listed immediately after the library of thirteen books and in front of every other article in the Governor's estate. In the currency of the Province, one pound of sugar was equivalent to twelve pounds of tobacco, or nine "armes length" of roanoke.¹⁶

During Leonard Calvert's administration, there were lean as well as good crop years in the life of the Province. According to the incomplete records, the bad years were due to an epidemic, as in 1638, and to drought, as in 1640, and then, at others, to unrest or uncertainty as to the status of the government. This latter must have been the case in 1647; for in that year there was great scarcity of corn reported at the fort of St. Inigoes, the chief store-house or granary of the Province. Without any positive knowledge as to the cause of this unusual scarcity, it would be fairly safe to attribute it

to the failure to enforce the salutary two-acre corn planting act during the period of Ingle's irruption. At any rate, on behalf of public safety, Governor Greene ordered that corn be "pressed" at a stipulated price. In a palatinate, it was assumed that the Lord Proprietary or his representative could follow the precedent set by the king, of purveyance to his Majesty; or possibly it was analogous to the "pressing" of ships, carts, wagons, or provisions in time of war.

The newly installed administration of Governor Greene faced an unusual menace in those settlers who, for one cause or another, had aligned themselves actively with the Ingle invaders. Many of these, fearing punishment, had fled to Chicacoan and Appamattox across the Potomac, where Captain Edward Hill was constantly in evidence.¹⁷ Some of them had suits pending in the Maryland Courts, and, well armed, they were in the habit of clandestinely slipping back and forth to learn how matters were progressing in the Province. Under such circumstances, their proceedings became a cause for no little uneasiness. Consequently, Governor Greene took pains to make it clear that, on his accession to office, pardon had been freely extended to all engaged in the late rebellion; but, in a proclamation of September 15, 1647, he added that law suits would not be recognized until those concerned should appear at the fort of St. Inigoes and take the oath of fealty to his Lordship. Further, that all such wayfarers should bring their arms to St. Inigoes "to be held in trust for them" till they did depart again, "which they were free to do." Failing the following of these requirements, it would be considered an offense for any loyal inhabitant to give them food or entertainment of any kind. Greene felt forced to fall back upon the palatinate powers of Lord Baltimore's patent, eighth section, whereby the authority to issue special ordinances was granted to the Proprietary or to his representative. The freemen of Maryland challenged the first exercise of this power they had opportunity to question,

thus showing that no people anywhere took more to heart the maxim that eternal vigilance is the price of liberty. The basic principles of political liberty became a part of the being of these colonists, some of whom could not sign their names; yet, notwithstanding the fact that a number of them 'made their mark' only, they made it to good purpose and knew what they were doing. In consequence of this vigilance, the last recorded act of the first Assembly under Governor Greene, was a unanimous protest "against all laws of the last general Assembly," because no summons was "issued out to all the inhabitants" under the regularly approved procedure. Greene's reply to this popular protest amounted to an unqualified veto.*

Governor Greene had held office only for about a year when Cecil Calvert saw fit to remove him, not only for handling certain "matters against Lord Baltimore," but also, no doubt, to conciliate the Puritan element.¹⁸ Under the terms of a commission issued at Bath, the Lord Proprietor directed that Governor Greene should give way to William Stone, a Protestant and partisan of Parliament from Northampton County in Virginia. In its general purport, the commission to Stone was a wise move on the part of the Proprietary to gain the favor of the dominant faction at home. The governor's duties and limitations were more clearly defined; he was to bind himself not to molest or discountenance any person professing to believe in Jesus Christ; and, in particular, no Roman Catholic. In the matter of appointing men to office, the Proprietary laid down the rule that no distinction was to be made as to religious predilections, and that all

* This Assembly appears to have gone back to the unicameral form as in Leonard Calvert's administration. In the following year (1649), however, we find the complete division into two houses, Robert Vaughn, the first proposer of this change, being then a member of the Council or upper house. It is of particular interest to observe that this change took place in Maryland in the year when in England the dominant Puritan party voted to abolish the upper house of Parliament as "useless and dangerous."



MARGARET BRENT DEMANDING "VOICE AND VOTE" IN THE GENERAL ASSEMBLY

From original drawing by Edwin Tunis, courtesy Maryland Tercentenary Commission.

should be judged solely on their ability to perform the duties of the office to which they were assigned.

Examination of the commission to William Stone shows a combination of liberal provisions, coupled with a disposition on the part of the Lord Proprietor to renew emphasis upon the Palatinate powers as outlined in the charter of the Province. Greater powers were granted to the Lieutenant-General, who was authorized to appoint members of the council in addition to those nominated by the Lord Proprietor, the former being subject to removal by the Proprietary; but the most ill-timed provision was an effort on the part of the Proprietary to seize this opportunity to revive that prerogative which he had yielded to the Assembly some ten years before,—the right to initiate legislation. The commission was accompanied by “three sheets of parchment” on which were some sixteen laws which the Lord Proprietor wished presented to the General Assembly for enactment.

The new Council of the Province, as nominated by Lord Baltimore, consisted of ex-governor Thomas Greene, Captain John Price, John Pile, Robert Vaughn, and Thomas Hatton, newly appointed provincial Secretary, in place of John Lewger. In addition to making Captain John Price “muster master general,” his Lordship appointed Robert Vaughn Commander of Kent Island with executive and judicial powers not unlike those of the Lieutenant General of the Province. These prerogatives were conferred upon the commander of Kent probably as a measure of defence against the machinations of Captain Claiborne. The duties of the muster master general “were to train and exercise the inhabitants of the Province to the use of arms.”

“During this invasion of Ingle,” says Bishop Russell, “the saintly Father White, then sixty-six years old, together with Father Copley, was carried off in chains to England. Father White, the ‘Apostle of Maryland,’ though he longed to return to the much-loved scene of his labors and trials,

was not permitted by his superiors to do so on account of his age and infirmities. He expired in England in 1656. Two other priests, Revs. Roger Rigbie and John Cooper, found their way into Virginia, where both died in 1646, leaving the Catholics without any spiritual guides."¹⁹

CHAPTER IX

INDIAN TROUBLES

THE early relations between colonists and natives have already been discussed,—the unusual consideration accorded them by Governor Calvert; their response in kind; and the subsequent agreement covering payment for the land. Nevertheless, the settlers were never assured of lasting peace with the more remote tribes. This was true not only of the war-like Indians to the north, such as the Susquehannocks, but also of the Powhatans and others to the south and west. The red men were not unobservant of the fact that the English were extending their possessions and constantly coming across the great waters in increasing numbers; and that the white men were rapidly learning to adapt themselves to conditions that had proved fatal to the earlier settlers.

After the massacre of 1622, the Virginians had pursued the Powhatans in a spirit of relentless vengeance. For a time, what Indians they saw, they killed; and when the aborigines fled from their settlements, the whites destroyed their crops. But this fierce hostility over vast stretches of territory could not be sustained. Time, and new settlers, with the prospects of a profitable fur trade, helped to create new contacts and heal old wounds and memories. In the extension of his domain, the Paleface began to forget the past; but, in the very nature of the case, the Indian could not but look to the future with fear, if not for himself, certainly for posterity. He, too, profited by the fur trade; but, whilst he was trading, he saw his hunting grounds replaced by grain and tobacco farms. Opechancanough, brother of Powhatan and uncle of Poca-

hontas, had largely planned the massacre of 1622; and while he lived, regardless of his outward professions of good will, there could be no permanent peace.

In 1640, it was evident that the Indians in Maryland were growing dangerously restless. Had there been an Opechancanough in the Province, or had the Maryland settlers dealt with the local tribes less honestly, Lord Baltimore's infant colony must have fared badly, as did the Virginians at an earlier date; but happily there stood out no such wily and ruthless figure among the Yaocomicoes, or even the Susquehannocks. South of the Potomac, however, Opechancanough sent his emissaries far and wide, whilst he, at the age of 80 or more, prepared for the second great massacre of the hated invaders. Again, the whites were lulled into a feeling of unusual security before the blow fell; then the old man, carried upon a litter, was borne to the front. There could be but one outcome, although some five hundred Virginians in the outlying district fell victims to the old man's fury. After the first shock, the settlers rallied. Opechancanough was captured; and, as a helpless prisoner, was shot by a soldier, who, it is thought, thus revenged himself for relatives slain in the massacre. From other Indians, it was learned that they had heard of the white man's strife in England. Hence, Opechancanough had expected victory because of this division; and there is little doubt that he had hoped the Indians north of the Potomac would in like manner make attacks upon the English settlements there.

But Opechancanough was exceptional; and nothing of so spectacular a nature happened in Maryland, and the records of the Province offer us only indistinct impressions of sporadic attacks upon outlying farms, brought to our attention by scanty references in the proceedings of the Assembly as to what was done by way of counter-attack or by negotiation. One is at first led to suspect that the Governor or members of the Council, like certain officials in Virginia, were so

enamored of the profits in the fur trade that they were inclined to trust to a mere display of force to satisfy the demands for action from those who had suffered. On the other hand, this theory does not appear to hold good as to Governor Calvert, because, from 1640 to 1643, he was particularly active in outlawing certain tribes and urging war against them. On one occasion, in 1642, the freemen of the Assembly blocked effective action; and in 1643, for reasons not clear, certain members of the Council did likewise.*

The opposition in the Assembly of 1642 to the Governor's proposed "march against the Indians" involved important principles and precedents concerning the real or alleged rights of the freemen versus the declared prerogatives of the Proprietary; or, in this case, at least, of his brother and representative. In England, Parliamentary objectors, regardless of apparent public danger, had frequently refused to grant levies for war unless assured of certain procedures safeguarding public interests in peace. This struggle was reenacted in the thirteen colonies, at one time or another, and in most of them at recurrent periods, either in regard to the claims of the king directly, or to the claims of the representatives of royal, or proprietary, authority. By 1642, the Maryland colony had been settled a sufficient time for the development of political factions or parties. More and more distinctly there appeared the usual division between a "popular" faction on one side and a class, council, or governor's faction on the other. This was made particularly evident at the meeting of the special Assembly in August when Robert Vaughn, "in the

* Cf. Bozman's *History of Maryland*, Vol. II, p. 251, *et seq.* In reference to the Assembly's habit of debating rather than providing for definite action, Father White writes in 1642 that he was compelled to abandon the Pascataway mission because of its "proximity to the Susquehannocks," adding: "An attack having been recently made on a place of ours, they slew the men whom we had there, and carried away the goods, to our great loss. And unless they be restrained by force of arms, which we little expect from the counsels of the English, who disagree among themselves, we shall not be safe there."—*Annual Letters of the Jesuits*, 1642.

name of the rest, desired that the House be separated and the Burgesses to be by themselves and to have a negative. To this plea is appended no comment in the records,—only the brief notation that “it was not granted by the Lieutenant General.”

Either by coincidence, or by design, immediately thereafter arose “a great opposition” to the urgent plea from the Governor for “a march against the Indians.” This opposition must have begun in the form of a debate as to the advisability of such a march. Governor Calvert, however, informed the House that he “did not intend to advise with them whether there should be a march or not, for that judgment belonged solely to himself, as appeared by the clause of the patent touching the power of war and peace; but to see what assistance they would contribute to it in case he should think fit to go; and a motion was made by the Secretary that a bill might be drawn up for the levying of twenty pounds of tobacco per head toward the charge of it.” Whereupon the official records state that, “The Burgesses desired to have the patent to peruse, and respite till next morning to advise of their answer.”¹

As an exhaustive analysis of the records and of the real or apparent reasons for the differences between the Governor and the Assembly would exhaust or exasperate the reader, it should suffice to say that the freemen feared that future abuses would arise out of the proposed methods of calling out the freemen, particularly with regard to commissioning the officers of the militia. Every parliamentary or popular movement or royal aggression in the mother country was closely watched and discussed by the people of the colonies. Each popular right advocated in England was either immediately reflected, or anticipated and translated into action in America. Undoubtedly there were forceful arguments advanced by able men on behalf of a concentration of responsible authority under an hereditary ruler and his appointed deputies.

For example, in the case of Indian attacks on the Province, it was recognized that an autocratic government would have been able to act promptly and efficiently in such emergencies, whereas, in a democracy, the issue would be discussed and debated before definite action was taken,—to the jeopardy of those menaced.

The principal Indian troubles of the first two decades of settlement occurred from about 1639 to 1649. At first, numerous minor forays upon Kent Island settlers and others by hostile Indians of the Eastern Shore were coupled with attacks by the Susquehannocks, aimed chiefly at the friendly Patuxents and Pascataways. In the summer and fall of 1639 a punitive expedition was sent out against these Indians, but there are no records of any very definite results achieved, although a shallop was previously dispatched to Virginia to purchase supplies of food and ammunition for the forces engaged. Something may have been accomplished, however, for in the following year (1640) it was held necessary to declare war against only one of the tribes instead of several. On July 10, 1641, Governor Calvert declared martial law in Kent Island; and directions were sent out to shoot all Susquehannocks, Wycomesses, and Nanticokes at sight.²

At this time the news reached the Maryland settlers that the Susquehannocks and other Indians were being supplied with firearms by Dutch and Swedish traders on the Delaware and Hudson rivers, and that they were being taught how to use them. This, of course, made the savages doubly dangerous.

Early in January, 1644, Governor Calvert had issued a "Proclamation" prohibiting all persons "to lend or deliver upon any pretense whatsoever, any gunne, powder, or shott to any Indian without a licence first had and obtained from me to that purpose, upon paine of such fine and other censure according to the quality of the person as the contempt shall deserve."³

As conditions grew more and more threatening, Governor Calvert was constrained to write to Governor Berkeley of Virginia to urge joint action by the two colonies. His letter, dated St. Mary's, 23d August, 1642, preserves an interesting account of the situation:

Honoured Sir:

The knowledge I have of your most diligent and provident care of the general good and safety of all his Majesty's subjects committed to your charge, and the affection you have to ours of this province, your neighbors and fellow subjects, makes me confident to present unto you the necessity which the barbarous massacres committed formerly upon John Angood and four others of his Majesty's subjects in his company belonging to your colony, and now lately again upon eight more belonging to this province, together with the burning and robbing of their houses, hath drawn both upon yourself and me [the necessity] of setting forth an expedition against the said Indians, for the vindicating of the honour of our nation, and also to deter the like outrages upon us for the future. For which purpose I have desired this gentleman, Colonel Trafford, to present my requests unto you for the aid of one hundred men, furnished and set forth, fitting for the service, from you out of your colony, to be with me at the isle of Kent, where I have appointed our rendezvous on the first of October next, where I will have in readiness one hundred more, if this province will be able to afford them with the safety of those that must be left at home in their houses.

Sir, the first harm was yours from the foresaid Indians, which I was desirous to have revenged, had I been able, being nearest to the habitations of them (as I formerly have done upon the Nanticoke Indians, for the death of one Rowland Williams of Accomack [Virginia], before the joint expedition made by both colonies).⁴

Governor Calvert's letter to Governor Berkeley seems not to have reached the latter until the fifth of October. It was then put before the Virginia Council and answer was returned that it was "impossible to comply with this request, as many of the inhabitants were about to remove to new plan-

tations, and were hardly able to get arms and ammunition to defend themselves; and those remaining upon the old plantations, not having a supply of military provisions, besides the heavy hand of God's visitation [the Opechancanough massacre] upon the plantations generally, of which few were recovered."

Whilst Governor Calvert was awaiting a reply from Virginia, he persisted in his determination to chastise the savages, some of whom were crossing the Bay to attack the inhabitants of St. Mary's County. In the preceding August a commission had been issued to Captain Cornwallis to levy men for an expedition against the Indians and to command the forces so raised; and shortly thereafter, by formal action, Colonel Francis Trafford, Captain Thomas Cornwallis, John Lewger, William Blount, and John Langford were appointed members of the Privy Council of the Province. Then it was that the Assembly passed the bill providing supplies for the long-discussed "march," which, it was finally admitted, the Governor had the right to order. It should be noted, however, that the Assembly had particularly held out against the demand of the Governor for special exemptions with respect to those who served on his estates. On the first day, September 5, 1642, the vote against this exemption was 100 voices to 38, the vote being in the nature of a protest against the grant of special privileges to anyone, including the Governor of the Province. "Whereupon," tersely reads the record, "the Governor adjourned the House till the third beating of the drums next morning."

On the last day of the Assembly is found the brief notation that the Assembly had yielded the point, albeit the sturdy soldier-champion of the popular party, Captain Cornwallis, opposed it to the end, as may be seen in the following excerpt from the proceedings of the Assembly: "Then was read the 24th Bill *for an expedition against the Indians and passed by all except that Captain Cornwaleys denied it for 15 of his*

Proxies of Saint Michaels hundred by reason of the clause of exempting the Governors Servants." This protest deserves emphasis because it established a precedent and foreshadowed the attitude of the Maryland Assembly in withholding supplies in the French and Indian wars of the following century.⁵

Although the act had been passed, nothing immediate—in a military way, at least—came to pass, unless exception be made of Governor Calvert's proclamation of January 16, 1643, which authorized the colonists to shoot or kill any Indian not under a flag of truce, from the Patuxent to the Potomac. Ten days later, however, part of this proclamation was revoked; since negotiations for peace with the Nanticoke Indians had been begun. Here, however, the story takes a new turn; and one is further strengthened in the belief that the conflict between the Governor and the freemen of the Assembly over procedure and privileges had not a little to do with the apparent reluctance of the settlers to undertake the aggressive plan of defense. In any event, the only expeditions of any size or consequence actually dispatched against the Indians were sent out after Leonard Calvert's departure from the Province, when Captain Cornwallis secured from Giles Brent as acting Governor authority to raise a company of volunteers to go against the Indians.⁶

Then, and then only, things began to happen, if we may accept Beauchamp Plantagenet's brief references thereto in his contemporary description of "New Albion." In that account, it appears that "Captain-General" Cornwallis' first force consisted of some fifty-three musqueteers; and that he succeeded in avenging the initial loss of three of these by attacking a force of two hundred and fifty Susquehannocks, of whom he killed twenty-nine outright, with the loss on his part of but one man. It was asserted that many of these Indians were armed and trained by certain of the Swedes then living on the Delaware. Further than this, in the in-

volved and difficult style of the author of "New Albion," there is an account of what may be said to be the first naval formation drawn up for action, wherein Indian war canoes were directed by Europeans as a squadron. The narrative relates that a Captain Lewis of Maryland, with some twenty men in two "cocke-boates," was met by one hundred and forty Indians in twenty-four canoes. Under the instructions of the "aforementioned" Swedes, the canoes were drawn in the form of a half moon, by which tactics the Swedes thought that one or both of the cockboats could be surrounded and separated from the other. The virtue of the plan was not put to a real test, however, for the Indians fled at the first fire of the Marylanders, with the loss of one warrior—apparently an individual of distinction.⁷

This signal victory of Cornwallis' volunteers was a severe blow to the Susquehannocks. Unfortunately, there are no records of it in the Maryland Archives, there being no meeting of the Assembly until 1644. Yet colonial pride over this achievement is seriously dimmed by the veil of mystery thrown over the apparent failure of a second expedition led by Captain Cornwallis, whom Bozman calls "the guardian genius" of the Province. This second expedition in the same year was directed "against the Susquihanoes or any [of] their aiders." The author of *New Albion* writes only of the first expedition and says nothing of the other. On the other hand, the Maryland records point to the defeat and we learn of that only from an inference drawn from the fact that, in 1644, Captain Fleet was sent for from Virginia, deputed to lead a strong force and, at the same time, to speak softly to a delegation of Susquehannock Indians, who had been invited to a conference at the Pascatoway fort. One objective of the mission of Captain Fleet was to recover from the Susquehannocks "as much as he could get of the arms and goods lost or left in the last march upon them—at least the two field pieces." Perhaps Captain Fleet never made the trip to Pascatoway,

since Secretary Lewger had irregularly taken upon himself to issue his commission without the authority of acting Governor Brent. In consequence of this carelessness, or design, Brent removed Lewger from the Council and revoked all appointments granted him.

There is considerable evidence from various sources outside of Maryland, including French-Canadian testimony, as to the warlike qualities of the Susquehannock Indians. Captain John Smith noted, and probably exaggerated, the great size of their warriors; but at that his account is, in part, corroborated in the *Relation de la Nouvelle France*, and it may have been fortunate for the Province that an epidemic of small-pox decimated the tribe in 1661, just as disease among the natives had made the interracial problem easier for the Plymouth settlers in 1620. George Alsop thus described the tribe, probably from actual contacts:

A people lookt upon by the Christian Inhabitants, as the most Noble and Heroick Nation of Indians that dwell upon the confines of America; also are so allowed and lookt upon by the rest of the Indians, by a submissive and tributary acknowledgement; being a people cast into the mould of a most large and Warlike deportment, the men being for the most part seven foot high in latitude, and in magnitude and bulk suitable to so high a pitch; their voice large and hollow, as ascending out of a Cave, their gate and behavior strait, stately and majestick, treading on the Earth with as much pride, contempt, and disdain to so sordid a Center, as can be imagined from a creature derived from the same mould and Earth.

The departure of Leonard Calvert for England early in 1643 carries the narrative of current events back to the mother country; for the politico-religious storms brewing there were destined to disturb the peace of the Province. These troubles in the mother country began to affect the affairs of Lord Baltimore as early as 1641, when the Irish Rebellion broke out. Lord Baltimore's estates in Ireland necessarily suffered in the relentless warfare that ensued.

In England, Parliament had begun to sit continuously after a lapse of over a decade. The conflict between the King and the established church, on one side, and the Commons and Dissenters, on the other, had been in progress for several years, although the actual clash of arms did not come until 1642. Throughout these troublous times, Lord Baltimore was in a difficult position. At recurrent intervals the officials of state and church made life burdensome to recusants. At this time, the impression got abroad that the Puritans, in return for Roman Catholic support, would grant privileges to the latter that the Anglicans had refused. Some commentators believe that this rumor represented the sincere sentiment of the leaders of the political revolt, and that it was part of their effort to gather under their banners all the disaffected in the kingdom. No doubt Lord Baltimore realized that if he should throw all he had on the side of monarchy; and if thereafter the rising tide of revolt should engulf the king and the Anglican church, this would also overwhelm him, not only in England and Ireland, but also in America, where lay his special interest. He, therefore, remained loyal to Charles, but inactively so; on the other hand, it appears that he did not refuse to confer with the Puritans. It may be held that had he been possessed of private estates in England or Ireland only, the case would have been different, but to risk the complete ruin of the great enterprise in America projected by his father and founded by himself, was unthinkable. Politically, his sympathies, like those of his father, were with the royal cause.⁸

When the royal cause and the authority of the established Church fell before the onslaught of Cromwell's Ironsides, well-nigh overwhelming disaster had befallen his palatinate in America. Previously, in distant Maryland, the storm-tossed Proprietary saw a possible haven of refuge; but, in March, 1643, he was cited before the Lords and placed under bond not to leave the British Isles.⁹ Apparently Balti-

more, like Beauchamp Plantagenet, author of *New Albion*, had sought to "depart the country." Plantagenet's lament over the war is of interest as reflecting the opinion of those opposed to the strife that so distressed and divided Britain. The following lines are illustrative of the peace sentiment of that day: "I resolved to be a Newter in this quarrell, not to kill English men and Christians, but with Christ to fly into Egypt, and like the Apostle Paul to fly out of one City into another, and get out of the fire."¹⁰

CHAPTER X

FREEDOM OF CONSCIENCE

PART I

IN THE preceding pages brief references have been made to the establishment in Maryland of a civil régime permitting religious freedom. As Lord Baltimore clearly saw, such an innovation in the seventeenth century of the Christian era could be achieved only through the simultaneous adoption of its complement, the separation of church and state. With regard to the matter of liberty of conscience, Maryland historians have entered certain claims of priority for the Province projected by George and established by Cecil Calvert. In so doing, the local commentators have pointed to an enactment of the General Assembly of 1649 which, soberly recorded in the minutes of the Assembly as *An Act Concerning Religion*, has been extravagantly eulogized under the assumed title of "The Toleration Act."

Upon examination, the statute reveals an advance over the conceptions of by far the greater part of the Christian world of that day, since under its terms Christian sects were free in Maryland to practice their professions. Such is the bright side of the picture; and many of those who have eulogized the Act have dwelt upon its liberal features whilst slurring over certain portions that are distinctly intolerant. Those, however, who deny the validity of the eulogiums point to these other parts and summarily dismiss the claims as misleading, because, in its entirety, the bill outlawed those who did not profess belief in the divinity of Jesus Christ.

As a matter of fact, the claim that Maryland is entitled to world-wide distinction as the first civil régime to establish freedom of conscience is properly based not upon the *Act Concerning Religion*, but upon the actual practices of the founders and the first colonists. Negatively stated, there are, with respect to the untrammelled years of this colony, no record of any persecutions or prosecutions of any group, sect, or individual because of any religious belief, or lack of belief. On the positive side, such prosecution as involved matters of religion was directed by the government against those who had attempted to interfere with freedom of expression. In short, those brought to trial and punished were not such as dissented from any established forms, but those who sought to enforce conformity, or who infringed upon the freedom of others. It is this record that seems to be without parallel in the history of human experience up to the founding of Maryland. The *Act Concerning Religion* aggressively introduced the element of limitation upon the previous conditions of freedom and definitely laid down a basis of religious belief beyond which prosecution was specified for dissenters therefrom; it represented a compromise with an intolerant element that had entered the Province in increasing numbers since 1642—an element that made itself supremely proscriptive in the Cromwellian period immediately following, until the reëstablishment of Lord Baltimore's authority in 1658, when the original status was resumed. This second period of freedom lasted until the Proprietary régime was superseded under William and Mary in the final decade of the seventeenth century.

Having thus presented a brief and necessarily incomplete summary of the status of religious liberty under the founders, and before going into the details of civil and spiritual achievement, it seems essential to trace the origin of the idea, just as, in previous chapters, an attempt has been made to present the background of the political and economic con-

ditions that led to the founding of Maryland. In the historical narrative of the nations of the Old World, so much space has been given to the story of religious persecutions and prosecutions affecting "heretics," "recusants," and "dissenters" that comparatively little has been recorded concerning those who from the time of Constantine have kept alive the conception of religious freedom. In this chapter relatively more attention will be given this usually neglected phase of history because of the light which it may cast upon the individuals who dared to put into practice certain principles which the world of their day deemed impractical. And, it may be added, this exposition is not the place wherein to argue that, in the middle ages, the idea would, or would not, have set nations and peoples in combustion within themselves or with one another. The narrator simply faces an obligation to present the setting for Calvert's Great Experiment.

Among the nations of Europe, the kingdom of England was unique in the fact that during the first three generations of the century preceding the birth of George Calvert, its people witnessed a series of politico-religious revolutions. The early part of the reign of Henry VIII had seen the persecution of all who dissented from the form of faith laid down by the Roman hierarchy. In the latter part of the same reign the people had seen the creation of an independent ecclesiastical establishment which vigorously prosecuted adherents of the old order. After Edward VI's short régime, Mary followed; and with her, came the reestablishment of the Church of Rome, whereupon woe befell the followers of the English church. Following Mary, in the middle of the same century, came Elizabeth and James I; and the recently triumphant Romanists were disfranchised or even outlawed. Finally, if we go a step further into the middle of the next century, we find in command a group, originally obnoxious to both orders, who overturned papacy on the one hand and prelacy on the other. Changes such as this caused independent indi-

viduals to offer a protest against any or all enforced conformity, with its consequent persecution of dissenters—a conception that was cherished not only by those in position to persecute but also by the persecuted.*

Such were the conditions which, in the Parliament of 1571, led Edward Aglionby, member for Warwick, to observe that, "*There should be no human positive law to enforce conscience;*" that "*the conscience of man is eternal, invisible, and not in the power of the greatest monarchy in the world, in any limits to be straightened, in any bounds to be contained, nor with any policy of man, if once decayed, to be again raised.*" English history gives prominent place to the effects upon the "eternal conscience" of the bill of restrictions to which Aglionby objected, whilst he and his protests have been virtually lost to sight. To make up for centuries of neglect, it would seem only just that his words should now be reproduced. Had he not been speaking under privilege of Parliament, punishment must have been immediate for an utterance so contrary to established usage in all lands called Christian; for the member from Warwick sententiously added the contrasting observation that: "Neither Jews nor Turks do require more than submission to the outward observances, and a convenient silence." Aglionby may have been reading after Sir Thomas More, who had set forth in allegorical form a story of the establishment of a state that was looked upon universally, if not by the author himself, as altogether too idealistic for human achievement. The member from Warwick may have noted this following passage from *Utopia*,—a word literally

* The Puritans of Massachusetts Bay, although they had themselves fled from England because of persecution, had no thought of tolerating either the Anglicans who had driven them into the wilderness, or anyone else, as the following verses, aimed at Roger Williams, testify:

"Let men of God in courts and churches watch,
O'er such as do a toleration hatch,
Lest that ill egg bring forth a cockatrice,
To poison all with heresy and vice."

pointing "*Nowhere*," until Calvert's Maryland made actual what was hitherto deemed impossible:

Utopus . . . made a law that every man might be of what religion he pleased, and might endeavor to draw others to it by the force of argument and by amicable and modest ways, but without bitterness against those of other opinions; but that he ought to use no other force than that of persuasion, and was neither to mix with it reproaches nor violence. . . . This law was made by Utopus, not only for preserving the public peace, which he saw suffered much from daily contentions and irreconcilable heats, but because he thought the interests of religion itself required it.¹

Across the Channel, More had his counterpart during the same generation in Michel de L'Hospital, who also held the high office of Chancellor, under the king of France. L'Hospital expressed as a state policy the ideal of Sir Thomas More. He would regain dissenters by the powers of persuasion exercised in charity, patience, and prayer. It will be noted, however, that L'Hospital lost his office, by direction of Catherine de Medicis; and More his head, by order of Henry VIII.

It is quite possible that George Calvert had heard of the part that Edward Aglionby had taken in the debate upon religious conformity; for it was part of his business to keep informed with regard to those whose opinions differed from the policy of the Court; and he must have read or known of *Utopia*; even though it were a coincidence that, after his conversion to the Church of Rome, he had as spiritual counsellor a great-grandson of the Chancellor; *viz.*, Father Henry More, whose precise views on toleration as a governmental policy are not known; albeit Mereness states that Father More "is said to have agreed to give his support in adopting and applying the principle of toleration, and at the same time to have offered the assistance of his Society in the colonizing enterprise."²

Not all of the Anglican clergy were given to intolerance; and close to the throne of James I we find Lancelot Andrewes,

Bishop of Winchester, of whom it was said that he "enjoyed" much ceremonial but did not "enjoin" it upon others. Since the Bishop was a friend of Sir Robert Cecil, it is inconceivable that George Calvert, in frequent attendance at Court, did not have many contacts with the prelate whose dignity of presence was credited with restraining the sometimes unseemly levity of the king—for which the serious-minded Calvert may have been duly grateful.³

Now a few writers have maintained that Calvert, having seen the exiled Separatists secure freedom in New England, sought in Avalon the same privileges for Catholics, especially since it appears that a design had previously been formed to transport to Newfoundland oppressed Catholics under the command of Sir Humphrey Gilbert and Sir Philip Sidney. The known facts point to a different conclusion. Apparently, on his first visit to Avalon, Calvert took two seminary priests, Longueville and Smith, while on the next and final voyage Father Hacket accompanied him. References, however, to Protestants at Avalon are found in the report of the Anglican, Reverend Erasmus Stourton, who on his return to England in 1628 made complaint to the authorities that Mass had been openly said under the governorship of Lord Baltimore.⁴

Although one may but conjecture to what extent environment plays its part in shaping the course of individuals whose careers loom large in history, it is nevertheless all-important to reproduce the setting from which the characters rose to eminence. In George Calvert's reactions to his environment we find the development of a character predisposed to tolerance and charity. His nature reacted strongly against harshness; and the fact that he had once been sent to Ireland to force upon the people political and religious policies obnoxious to them may have caused him to feel a revulsion against any established church that sought to compel conformity. As an official of the British government, his procedure in Ireland was in the line of duty.⁵

It appears that no church of the seventeenth century may lay claim to both the advocacy and official practice of tolerance, when conformity under compulsion was the universal practice; but yet, while in all the churches, perhaps the majority of clergy and laymen considered it a pious task to compel men to walk in some prescribed path to heaven, it may also be said that each church had those within its fold who believed in tolerance as a principle of the Christian faith. When these liberal individuals advanced the doctrine of toleration, they did not represent the church of which they were members, but ran counter to its practices. The church, regardless of sect, had accepted faith and hope, accompanied by good works and self-sacrifice; but, with the attainment of political power, charity or brotherly love, as it affected doctrinal differences, was too often forgotten. This spirit of intolerance manifested itself in greater or less degree under different circumstances, but it was common to all creeds, to be exercised pretty much in proportion to the exercise of temporal power.

As already pointed out, the evidence indicates that after he had become a Catholic George Calvert welcomed Anglican ministers to Avalon. This has been actually quoted by his detractors as proof of the insincerity of his religious professions, whilst the same writers accuse him elsewhere of crafty designs to set up the Roman Church and invite Spain to do her worst. On the contrary, it seems far more likely that the first Lord Baltimore thought it was possible to put in practice at Avalon the ideals of *Utopia*. It is interesting to note that whereas his son Cecil invited men and women of all denominations, the latter had evidently learned through the experience of his father in the Avalon enterprise that it was dangerous to introduce into the new Province of Maryland clergymen of the church legally established by the government of England. Subsequently, this lack of "sufficient" Anglican clergy offered another basis for complaint. The

complaint of Anglican believers was not an unnatural one; but the entry of their priests into the colony tended to raise a question of political prerogative and create thereby a serious problem for the Proprietary.

Since there exists no evidence of intolerance on the part of George Calvert in the establishment of Avalon, so we may look in vain for any evidence of intolerance in regard to the opinions of Cecil Calvert, or in respect to the policies he pursued in the founding and development of Maryland. In fact, the evidence available shows that Cecil had evolved certain definite principles respecting freedom of conscience and the separation of the functions of church and state that came to be part and parcel of his very being. For the maintenance of these principles he was prepared to contend, at the imminent risk of all he possessed. As to his intentions, some demand documentary proof in the Charter itself which he received from his father; or in the advertisements which he caused to be issued to attract settlers. Here again we are confronted with the apparent fact that no one in authority, not even the king himself, could openly promulgate a plan of government free from ecclesiastical influence. Putting any such thought in print or writing would have given the signal for a general and disastrous attack from every quarter. Verbally, however, Lord Baltimore must have confided the thought to individuals; and he especially invited all wouldbe colonists to call upon him at his London house for further details to be communicated in person. That there exists some evidence, if not actual proof, that such disclosures of his prime purpose were made to prospective participants in the privileges of the Province is shown in a subsequent letter to the Proprietary from that colorful colonist, soldier, and statesman, Captain Thomas Cornwallis, in which we find the following brief, but significant, passage: "*Your Lordship knows my security of conscience was the first condition I expected from this Government.*"⁶

The liberal intentions of Cecil Calvert appear in his private instructions to the Provincial Commissioners when they embarked on the *Ark* and the *Dove*, to the effect that all the settlers should be enjoined not to offer any cause for offense one to another, in any matter concerning religion. Afterwards, as occasion offered, these instructions were repeated and broadened to include disputes that would "cause faction" in the colony. Although no published record of it has been found, a "proclamation" to this effect is specifically mentioned in the charge brought against Captain William Lewis in 1638.*

The very first item of Cecil Calvert's instructions to the settlers reads:

His Lordship requires his said Governor and Commissioners that in their voyage to Mary Land they be very careful to preserve unity and peace amongst all the passengers on Shipboard, and that they suffer no scandal nor offence to be given to any of the Protestants, whereby any just complaint may hereafter be made, by them, in Virginea or in England, and that for that end, they cause all Acts of Roman Catholic Religion to be done as privately as may be, and that they instruct all the Roman Catholics to be silent upon all occasions of discourse concerning matters of Religion; and that the said Governor and Commissioners treat the Protestants with as much mildness and favor as Justice will permit. And this to be observed at Land as well as at Sea.⁷

The special interest of Father White in describing at length the first formal celebration of mass on Maryland soil tends to create the impression that these instructions were violated; and since the accounts of the beginnings of the Province are largely based upon the *Relatio Itineris*, no little confusion has resulted from frequent over-emphasis upon this particular occasion. Almost invariably, anniversary orators have mentioned the incident as if it were an official act performed

* *Infra*, p. 157.

at the time of the first landing; whereas it took place several days after the arrival at St. Clement's Island: again, because of the natural participation of Governor Calvert, the impression is further created that the ecclesiastical ceremony was part and parcel of the civil administration. Such a procedure would have been distinctly contrary to the expressed purpose of Lord Baltimore, who had given the most precise instructions that no communion or group should obtrude their religious views as the official expression of the colony, and that the ceremonials of the church—any church—should be a thing apart from civil ceremonies.

As before indicated, the Act Concerning Religion consists of two distinct parts, with separate preambles; and as such, it is clearly a compromise between the toleration consistently practiced by the early colonists, on the one hand; and, on the other a move for restriction. Certain liberal provisions forbade the disparagement of groups or individuals by other groups or individuals. The very "calling of names" of the various forms of faith was forbidden, if done by way of expressing bigotry. No one was to be called, in reproach or derision, "an heretick, Schismatic, Idolator, Puritan, Independent, Presbyterian, Popish priest, Jesuite, Jesuited papist, Lutheran, Calvenist, Anabaptist, Brownist, Antinomian, Barrowist, Roundhead, Separatist;" and then to make the list of sects or denominations complete, the clause was added "or any other name or terme in a reproachfull manner relating to matters of religion." These provisions, incorporated in the Act by the settlers, repeated part of the Proprietary's private instructions to which reference has been made. The legislators added that the person guilty of the offenses set forth should be obliged to ask "publicly" the offended person's forgiveness. And since "*his or her forgiveness*" was specified, the law may be said to have, in this respect, anticipated the feminist ideal of putting men and women on an equal footing.

The term "Sabbath," as employed in the Act, illustrates the rising Puritan influence; for this term would not, at this time, have been used by any gathering composed of Anglicans or Catholics. Apparently, also, Catholics and Anglicans were more lenient towards profanity than their brethren of the Puritan persuasion; for the Act did not state, in full Puritan fashion, that profanity at all times was to be limited; but only that "frequent swearing" on "the Lord's Day" was a punishable offense. Later, the Puritans, when in complete control in Maryland, extended the inhibition of profanity to all days in the week. In any event, the Act positively did *not*, as a distinguished commentator has expressed it, "simply formulate in a statute what had been Lord Baltimore's policy from the first." On the contrary, it seriously limited that policy and gave ground for religious prosecutions.⁸

One of the most interesting portions of the *Act Concerning Religion* is the inclusion of the definite statement, based upon a knowledge of the experience of centuries of government under the Christian dispensation, that "the enforcing of the conscience in matters of Religion hath frequently fallen out to be of dangerous consequence in those commonwealthes where it hath been practised." Then followed the compromise agreement to which reference has been made, as follows: "And for the more quiett and peaceable government of this Province and the better to preserve mutuall Love and amity amongst the Inhabitants thereof: be it, therefore, also by the Lord Proprietary with the advice and consent of this Assembly ordained and enacted (except as in this present Act is before declared and set forth) that no person or persons whatsoever within this Province . . . professing to believe in Jesus Christ, shall from henceforth be any ways troubled, molested or discountenanced for or in respect to his or her religion nor in the free exercise thereof within this Province or the Islands thereunto belonging nor any way compelled to the belief or exercise of any other Religion against his or her

consent.”⁹ This limited freedom was accompanied by the following proscriptive provision: “That whatsoever person or persons . . . shall deny our Savior Jesus Christ to be the Son of God, or shall deny the Holy Trinity, the Father, Son, and Holy Ghost, or the Godhead or any of the sayd Three Persons of the Trinity, or the Unity of the Godhead, or shall use or utter any reproachful speeches, words or language concerning the Holy Trinity, or any of the sayd three persons thereof, shall be punished with death, and confiscation or forfeiture of all his or her land and goods to the lord proprietary and his heires.”*

At this point, one not unnaturally propounds the query whether freedom had been permitted Jews, Unitarians, and others, seeing that these were excluded from the protecting aegis of the Act; also, if, prior to 1649, there were individuals in the Province unattached to any sect. In their correspondence with their superiors, the Jesuit priests in the Province referred to the presence of many of the latter type. How many of them were agnostics or atheists will never be known; but there was open complaint of at least one such unbeliever when he was elected to a public office. It was during the Puritan regime, however, that there came into public notice one Dr. Jacob Lumbrozo. Lumbrozo, a Jew, was “charged with uttering words of blasphemy against our Blessed Saviour Jesus Christ;” and blasphemy was, according to the provisions of the Act, punishable by death. “John Fossett,” the first witness in the trial of Lumbrozo, deposed “that half a year before, at Richard Preston’s house, he had spoken with Lumbrozo, concerning our Saviour, saying the resurrection proved He was more than man, as did also His

* Further evidence that the prescriptive features of the Act of 1649 were inspired by Puritan influences, thus forcing the hand of Cecil Calvert and his liberal Catholic and Protestant associated founders of the Province, is shown by the fact that during the previous year the Long Parliament had passed an ordinance prescribing the death penalty for those who denied belief in God or the doctrine of the Trinity.

Miracles. To the first Lumbrozo answered that his disciples stole him away, and to the second, that the miracles might be done by sorcery:" Further, we read: "Richard Preston did testify that about June or July last coming from Thomas Thomas's in company with Josias Cole asked Lumbrozo whether the Jews did look for a Messias? And Lumbrozo answered, yes. Then Cole asked him how did He (our Saviour) do all his miracles? And Lumbrozo answered that he did them by magic art. Then Cole asked him, how His Disciples did do the same miracles? And Lumbrozo answered He taught them His art." By way of defense, Lumbrozo declared "that he had some talk with these persons, and willed by them to declare his opinion, and by his profession a Jew, he answered to some particular demands they urged, and as to that of miracles done by magic he cited Moses, and the magicians of Egypt. But said not anything scoffingly, or in derogation of Him Christians acknowledged for their Messias." Lumbrozo was ordered to appear before the next Court; and it is quite possible he would have suffered the penalty prescribed in the so-called "Toleration Act;" but before his trial was completed or conviction secured, Lord Baltimore had regained control of the Province. Lumbrozo was granted full rights of citizenship; and, five years later, he was sitting on a provincial jury.¹⁰

At the time Dr. Lumbrozo was granted citizenship in Maryland, Rhode Island passed an ordinance definitely excluding Jews and Catholics from the full rights of citizenship. This was followed, as late as 1762, by the decision of the Supreme Court of that colony, disallowing the petition of two Jews who had sought citizenship. The Court declared that to admit them was "wholly inconsistent with the first principles upon which the colony was founded."¹¹ A proper appreciation of the extent and significance of the religious freedom restored to the Province under Cecil Calvert may be had by comparing the privileges granted Lumbrozo with

the restrictions laid down in the colony which came nearest to Maryland in the practice of freedom of conscience, (*supra*). The measure of religious liberty allowed in Rhode Island was in theory very broad, and in advance of all other colonies save Maryland; but it was, in these instances, limited by the fact that, in the words of Roger Williams, citizenship was granted from the first "to such as the major part of us should admit into fellowship with us." By the "major part," Jews and Catholics were denied this fellowship, so that Rhode Island offered religious freedom in theory, coupled with restrictions in its political applications. In Maryland, during the rule of the Proprietary, political privileges were, on the contrary, not limited by religious predilections, a principle and practice that was vastly broader.*

Subsequently, Maryland, under a state-supported church, practiced a measure of liberty inferior, in some respects, to that of Rhode Island. During this period, according to Mr. B. H. Hartogensis, "the Jews avoided Maryland," albeit several such achieved distinction at the period of the War for American Independence. It has been asserted, on circumstantial evidence, that Lumbrozo abjured his faith and that this accounts for his subsequent preferment in the Province; but Mr. Hartogensis, a long-time student of Jewish-American history and biography, has "established the fact that a Jew was among the pilgrims to Maryland" at the time of their first landing, he being Mathias da(s) Sousa. Da Sousa, coming into the Province as a redemptioner, was of "Jewish ancestry in the Island of Barbadoes." That he suffered no injury because of race or religion is evident in that he "was in attendance upon the Provincial Assembly of 1641,"

* Cf. S. G. Arnold, *History of Rhode Island*, Vol. II, p. 495. "He [Roger Williams] did not believe in a government 'only in things civil,' but in a state in which the church was supreme, and in which all law was directed from a spiritual source. His book, *George Fox Digged Out of the Burrowes*, and his letters to the Endicotts and Winthrops, still preserved, show a degree of animosity and hatred to Quakers," James Walter Thomas, "Chronicles of Colonial Maryland," p. 74.

doubtless just after having redeemed his passage; that he was (1642) "appointed skipper and authorized to trade with the Indians;" and that he "took out letters of denization in 1671," shortly after Dr. Lumbrozo had been called to jury duty.*

In the records of the Provincial Court for July, 1638, may be found an account of the trial of William Lewis, who was by a group of Protestants charged with having attempted to proselytise by force of his authority; and, by promoting disputations in religious matters, with disturbing the peace. Such conduct was, under the circumstances of the case, contrary to the instructions of the Proprietary, even if these instructions had not been made into a law referred to by Charles Calvert in his "Answer" of March 28, 1678—which law, the third Lord Baltimore declared, had been passed at the beginning of the Province, by "unanimous consent of all who were concerned." The Testimony connected with the trial is worth reproduction, changed only as to orthography and punctuation:

On Sunday, the first of July, William Lewis informed Captain Cornwaleys that certain of his servants had drawn a petition to Sir John Harvey; and intended at the Chapel that morning to procure all the Protestants' hands to it. Whereupon the Captain (calling unto him Mr. Secretary) sent for Robert Sedgrave (one of the parties informed of) and examined him thereof, who confessed he had drawn a writing and delivered it to Francis Gray, who being likewise examined, had the writing to his bosom and delivered it to the Captain. The writing was of this tenor:

'Beloved in our Lord, etc., this is to give you notice of the abuses and scandalous reproaches which God and his ministers do daily

* Mr. Hartogensis has also found evidence to indicate that the following early colonists in Maryland were also Jews, or of Jewish lineage: Richard Abrahall, Cornelius Abraham, Isaac Abrahams, Solimon Barbaral, Hester Cordea, Matthias da Costa, Ansel Israels, Solomon Lazear, Jacob Leah, Philip Salomon,—Correspondence with the author, March-April, 1933.

suffer by William Lewis of St. Inego's, who saith that our Ministers are the Ministers of the devil; and that our books are made by the instruments of the devil, and further saith that those servants which are under his charge shall [neither] keep nor read any books which doth appertain to our religion within the house of the said William Lewis, to the great discomfort of those poor bondmen which are under his subjection, especially in this heathen country where no godly minister is to teach and instruct ignorant people in the grounds of religion.

'And as for people which cometh unto the said Lewis or otherwise to pass the creek, the said Lewis taketh occasion to call them into his chamber, and there laboureth with all vehemency, craft and a subtlety to delude ignorant persons. Therefore, we beseech you, brethren in our Lord and Savior Christ Jesus, that you who have power will do in what lieth in you to have these absurd abuses and heredicrous crimes to be reclaimed, and that God and his ministers—may not be so heinously trodden down by such ignominious speeches; and no doubt but he or they which strive to uphold God's ministers and word, he shall be recompensed with eternal joy and felicity to reign in that eternal kingdom with Christ Jesus, under whose banner we fight for evermore. All which words aforesaid which hath been spoken against William Lewis, the parties hereunder written will be deposed when time and opportunity shall be thought meet.'¹²

For sundry reasons, the case was continued to July 3rd, when the sheriff brought William Lewis; and Robert Sedgrave, Francis Gray, Christopher Carroll, and Ellis Beach before the Court, which consisted of Governor Calvert, Captain Cornwallis, and Secretary Lewger. Thereupon the Protestant complainants denied the accusation brought against them of having prepared a paper to be offered to Governor Harvey, and the Council of Virginia against William Lewis, of the Province of Maryland; they declared that they had intended to prepare a writing against William Lewis on behalf of offended Protestants, to be presented to the Governor and Council of Maryland. This was a serious accusation

against Sedgrave and his fellow Protestants, as such action might well have brought much trouble upon the Province, not so much from Governor Harvey, but from members of the Virginia Council, who would, doubtless, have sought the interposition of the authority of the established Church in England. This charge was not upheld by the Court, nor was any account taken of the charge brought by Lewis that the Protestant bondsmen were reading aloud a book which contained passages offensive to Catholic ears. It was deposed that Lewis had said that "the book was made by the instrument of the devil." After sundry other charges and counter-charges had been brought before the Court, Mr. Secretary [Lewger] found him [Lewis] "guilty of an offensive and indiscreet speech in calling the author of the book an instrument of the devil; but, acquitted him from that he was charged withal in the writing, that he used that speech touching Protestant ministers in general."

The record further states that, "The Captain [Cornwallis] likewise found him [Lewis] to have offended against the publique peace, and against the proclamation made for the suppressing of all such disputes tending to the cherishing of faction in religion." Mr. Secretary Lewger imposed upon the offending Lewis a fine of "500 lbs. of tobacco on one count," and Captain Cornwallis, "500 lbs. on two counts." Governor Calvert, the third member of the Court, concurred in both judgments, "and William Lewis was committed to the sheriff."*

Unparalleled, again, in the history of the age is the appeal of Cecil Calvert made to all Christian groups to do missionary work among the Indians. He did not refer directly to the vast missionary labors of Catholic priests in the New World

* William Lewis was the overseer for Father Copley, and it is worthy of mention that Francis Gray had testified that he "had spoken with Mr. Copley" . . . and that "Mr. Copley had given him good satisfaction in it, and blamed much William Lewis for his contumelious speeches and ill-governed zeal and said it was fit he should be punished."

—doubtless because the labors performed by them were done under the auspices of the established church of rival and hostile nations; but he liberally praised the aims and efforts of the Anglicans in Virginia and of the Separatists and Puritans in New England; and there can be no question that he hoped for great spiritual rewards in Maryland under Catholic auspices. Certainly Fathers White and Altham lost no time in making mission contacts with the natives. Furthermore, there is considerable evidence to indicate that with regard to the early devotions of the first settlers, a Catholic-constructed chapel was, for a while, in use by both Catholics and Protestants. If this condition of a common house of worship existed, as it appears, it constituted still another unique feature in the founding of the Province. In this connection Bishop Russell quotes, apparently with approval, the conclusions of Sebastian Streeter, one of the earlier research workers in the Maryland Archives, that, "The Protestants of St Mary's seem to have enjoyed, without restriction, the privilege of a chapel, though it does not appear that they were supplied, for some time, with an ordained clergyman." "Until a clergyman came," adds Russell, "they seem to have had such parts of the service as a layman could perform."¹³

Another illuminating instance of litigation regarding matters pertaining to religion came up before the General Assembly in March, 1642, when it appears that Thomas Gerard, a prominent Catholic landholder, had taken away the key of the chapel in which the Protestants were accustomed to hold services at St. Mary's—apparently the very edifice, in general use, to which reference has been made. He had also taken away some books which he considered offensive or heretical. The minutes of the Assembly in this case are much less complete than those in the trial of William Lewis, as set forth in the proceedings of the Provincial Court. The Assembly records do not preserve the plea offered by the

defendant—merely the accusation against him. The brief notation reads:

23rd March 1641 [1642 N. S.] in the morning—The petition of the Protestants was read complaining against Mr. Thomas Gerard for taking away the Key of the Chappel and carrying away the Books out of the Chappel, and such proceedings desired against him for it as to justice appertaineth.

Mr. Gerard being charged to make answer, the house, upon hearing of the Prosecutors and his defense, found that Mr. Gerard was Guilty of a misdemeanor and that he should bring the Books and Key taken away to the place where he had them and relinquish all title to them or the house, and should pay for a fine 500 lbs tobacco towards the maintenance of the first minister as should arrive.¹⁴

In 1666, after the reestablishment of the Proprietary régime, a sojourner in the Province published in London his observations upon the "character of Maryland." This contemporary commentator, George Alsop, wrote: "*Here all Inquisitions, Martyrdom, and Banishments are not so much as named. . . . The several Opinions and Sects that lodge within this Government, meet not together in mutinous contempts.*" Much more he wrote in praise of the liberal government of the Calvert Palatinate; but perhaps the most convincing testimony as to the status of religious freedom in Maryland comes to us in this period, as in the earlier one, from recorded experience.

In New England, the name of Wenlock Christison is associated with wanderings, proscription, and persecution; *per contra*, his connection with the Province of Maryland is a story of peace and quiet possession. There was no spot other than Maryland—not even liberal Rhode Island—where this leading spirit in the then much-contemned Society of Friends felt he could practice and proclaim his opinions without let or or molestation. After he had traveled thousands of miles from the Old World, and to and fro in the New, Chris-

tison came to Maryland where he at last established himself, significantly naming his estate *The End of Controversie*. We know that Christison suffered floggings, imprisonment, and starvation in the Massachusetts Bay Colony, in the Plymouth Colony, and in what is now New Hampshire. It seems he was not satisfied with the far more liberal colony founded by Roger Williams who may have left a legacy of his very marked antagonism to Quakers. The period of Christison's American wanderings lasted from about 1655 to 1665; thereupon, after planning a trip to Barbados, he disappears from view until the Talbot County records disclose the fact of his settlement on the Chesapeake. In short, about five years after he was driven from one New England township to another "with many lashings," we find him in Maryland living at his ease. Six years later he was elected a member of the Maryland House of Burgesses.¹⁵

The story of Wenlock Christison gives point to the following verses of George Alsop, especially the closing line:

'Tis said the Gods lower down that Chain above,
That tyes both Prince and Subject up in Love;
And if this Fiction of the Gods be true,
Few, Mary-Land, in this can boast but you:
Live ever blest, and let those Clouds that do
Eclipse most States, be alwayes Lights to you;
And dwelling so, you may for ever be
The only Emblem of Tranquillity.

PART II. SEPARATION OF CHURCH AND STATE

There is considerable evidence to the effect that Father Henry More, spiritual counsellor of the Calverts, and Father Andrew White, not only approved of, but actively aided, the Calvert design to establish an American colony based upon religious liberty. This represented a notable advance over the practices of ecclesiastics of their day, despite certain precepts, or expressions, as to the ideals of religious freedom laid down by church authorities. Quoting Balmez, Manning,

Hergenröther, and others, Bishop Russell has summed up the relationship between the theory and its application in that, "George Calvert became the pioneer of religious toleration by illustrating in practice the broad Catholic doctrine that, 'however, convinced anyone may be of the truth of his own religion, he may let others live in peace without belonging to it,' and fulfil towards them with joy and zeal all the duties of fraternal love enjoined by the Catholic Church."¹⁶

It remained for Cecil Calvert to bridge the gap between doctrine and conduct. Nevertheless, as stated at the beginning of this chapter, the grant of religious freedom could not have been successful unless it were accompanied by the separation of the functions of church and state; hence, Lord Baltimore was determined not to allow in his domain the creation of an established church. In this, also, he appears to have had the approval of the Jesuit fathers; but with regard to certain important implications flowing from the application of his broad principle there arose differences of opinion between the civil founder and the Jesuits that was not bridged for some thirty years. As Cecil Calvert interpreted the separation of church and state, the government was not to interfere in spiritual matters; but, on the other hand, the Proprietary aimed to bring under civil jurisdiction all temporal holdings of ecclesiastics, whether these holdings were under the management of individuals or of a corporate body. To this policy, the missionary priests made strenuous objection. Lord Baltimore was obdurate, and at once a controversy was begun which was not settled until the matter was submitted to the General of the Society of Jesus, who ultimately suggested a method under which no obstacles were to be set against the plan of Lord Baltimore; and since, says Bishop Russell, "The General of the Jesuits is directly under the jurisdiction of the Pope, he would hardly have acted without the advice of the Holy Father."¹⁷

Like the invitation to the Puritans of New England, who

spurned the suggestion, and that to the Puritans in Virginia, who accepted the hospitality of the Palatinate; like the formal instructions to the colonists as to group tolerance one to another; like the punishment of those who interfered with tolerance; like the cases of Lumbrozo, the Jew; and Christison, the Quaker, this rather long-continued and at times bitter argument with the Jesuit mission group furnishes indubitable evidence to prove the sincerity of Lord Baltimore in carrying out his purpose to establish a civil régime in Maryland that ensured to its citizens freedom of conscience.

The policy of Lord Baltimore, in separating the spheres of church and state was first challenged by the attempt of the Jesuits to acquire land directly from the Indians, when the Charter rights of the Proprietary made land patents within the bounds of the Province legally obtainable from him only. Lord Baltimore was surprised to find that these acquisitions were added to the acreage originally allowed the Jesuits in regular process for the transportation of colonists or servants. Since, however, by the rules of their Order, individuals could own no property, the land was acquired from the Indians on behalf of the Society of Jesus. Not only did the Society set about acquiring extensive holdings from Indian donors; but they also demanded special privileges for the owners of the property and for their servants and retainers, including exemptions from military service.

From the standpoint of the Jesuits, the direct acquisition of these lands, together with the said privileges, was a natural and proper proceeding. When, therefore, the Roman Catholic Proprietary of the Province demanded that this practice be abandoned as contrary to his charter rights and political policy, the Jesuit missionaries, keenly aware of age-old church prerogatives and conscious of enduring every possible danger and hardship in the conversion of the heathen, felt greatly aggrieved. Under the leadership of Thomas Copley,

Spanish born of English parentage, the Jesuits based their contention for clerical privileges upon the usual practices in Catholic countries. They insisted that under the provisions of the Papal Bull, *In Coena Domini*, ecclesiastics and ecclesiastical property were exempt from the jurisdiction of the civil authority. In this controversy the Jesuits had a powerful supporter in Captain Cornwallis, Lord Baltimore in Secretary Lewger, whilst Governor Calvert wavered. Baltimore was not, however, disposed to view with equanimity such encroachments upon his temporal prerogatives. As already indicated, the pretensions of the missionaries challenged the claim of the Proprietary to the very soil of the Province, as conveyed to him by the Maryland charter. Both sides showed prompt determination to stand fast, and the dispute was joined in such wise that Lord Baltimore's great project was placed in serious jeopardy from an unexpected source. In fact, this struggle with zealous opponents in his own household of faith was added to the severe trials he had to bear from political enemies in England, the contest waged by Claiborne in both England and Maryland, the irruption of Richard Ingle, and the subsequent domination of the Puritans.*

Over and above the main dispute as to the Jesuits' method of acquiring land, there were several other points of difference between the Maryland missionary priests and the Proprietary. The matters brought up by Copley consisted of these seven main points: The introduction of secular clergy into a sphere which the Jesuits desired to appropriate to

* Copley performed a double function. As Thomas Copley, Esq., he managed the property of the Order. His spiritual duties were assumed under the name of Philip Fisher. It may be added that Dr. Bernard C. Steiner and other commentators failed to note that Copley and Fisher were one and the same person. As alien-born, Father Copley could and did claim in England special protection. From Madrid he had gone to London as priest and procurator, and from thence to Maryland. Bishop Russell states (*Maryland, the Land of Sanctuary*, p. 158), that "Father More when Provincial gave it as this opinion that Father Copley 'though of good talents and sufficient experience,' was 'deficient in judgment and prudence.'"

themselves;¹⁸ the payment of quit-rents to the Proprietary; assessments for the construction of a fort; obligatory military service on the part of servants; the application of civil law to those employed in cultivating the lands of the Church; the Proprietary's ruling that priests and their attendants should obtain the customary license from the government in the matter of visiting, or trading with, the Indians; and the relinquishment of special privileges as a voluntary act.¹⁹

According to Kilty's *Land Holder's Assistant*, Thomas Copley, Esq., made an original and legitimate demand for lands, under the "Conditions of Plantation" of 1633, for transporting, "Mr. Andrew White, Mr. John Altham and thirty others" and "Mr. John Knowles and thirteen others" in 1637. Of the 28,500 acres of land secured by virtue of this transportation of emigrants, he "retained 8,000 acres for the Society of Jesus and the use of the church. By way of explanation, Father Copley was appointed by the Jesuit authorities to succeed Father White as head of the Maryland Mission. According to Hughes (*op. cit.*), the mission property had become "a charge which required rather business men than missionaries."

With regard to the attitude of Leonard Calvert, Lord Baltimore wrote to his brother on November 21, 1642:—

I pray hasten the design you wrote unto me of this year, of bringing all the Indians of that Province to surrender their interests and right to me for I understood lately from a member of that Body Politic, whom you call those of the Hill there, that Mr. White had a great deal of land given to him at Pascattoway not long since by Kittamaquund, before his death, which he told me by accident, not conceiving that the place was within my Province, or that I had any thing to do with it; for so he said that he had been informed, and I had some difficulty to satisfy him that it was within my Province. By this you may daily perceive what ways these men go and of what dangerous consequence their proceedings are to me. I pray do not forget also to prosecute effectually the business of the trib-

ute from the Indians and the discovery of the red earth, and to send me the quantity I desired of it with speed. Methinks the Indians who are christened, if their conversion be real, might be brought to assist in their labors, and contributions of beaver, peake, etc. for the building of the new Chapel: endeavor I pray, what you can to effect this.²⁰

Later, on the same subject, the Proprietary wrote:

Just now I understand that notwithstanding my prohibition to the contrary, another member of those of the Hill there, hath by a slight got aboard Mr. Ingle's ship in the Downs to take his passage for Maryland, which, for divers respects, I have reason to resent as a high affront unto me, wherein if you do not that right to me as I require from you in my Instructions, dated 20th Oct. last, I shall have just cause to think that I have put my honor there in trust to ill hands who betray me to all the infamous contempts that may be laid upon me.

This Gentleman the bearer hereof, Mr. Territt [a Secular priest] will acquaint you more particularly with my mind herein and with the opinion and sense which divers pious and learned men here have to this odious and impudent injury offered unto me, and with what is lawful and most necessary to be done in it as well for the vindication of my honor as in time to prevent a growing mischief upon me, unto whom, wherefore, I pray give credit. Mr. Gilmett [the second Secular priest sent over] will, I know, concur in opinion with him, for upon divers consults had here (before he went) he was well satisfied what might and ought to be done upon such an occasion. . . .

If all things that Clergymen should do upon these pretences should be accounted just and to proceed from God, laymen were the basest slaves and the most wretched creatures upon the earth. And if the greatest saint upon earth should intrude himself into my house against my will, and in despite of me, with the intention to save the souls of all my family, but withal give me just cause to suspect that he likewise designs my temporal destruction, or that being already in my home doth actually practice it, though withal he do perhaps many spiritual goods,—yet certainly I may and ought to preserve myself by the expulsion of such an enemy, and by

providing others to perform the spiritual goods he did, who shall not have any intention of mischief towards me. . . .

In November, 1643, Lord Baltimore again wrote to his brother:

I understand that notwithstanding my prohibition the last year you did pass grants under my seal here to those of the Hill of St. Inigoes, and other lands at St. Mary's and also of 100 acres of land at Pascattoway, some of which, as I am informed, you conceived in justice due unto them and therefore thought yourself obliged to grant them; although it were contrary to my directions, which to me seems very strange, for certainly I have power to revoke any authority I have given you here either in whole or in part; and if I had thought fit to have totally revoked your power of granting any lands there at all in my name, certainly no man that is disinterested could think that you were bound, nevertheless, in conscience to usurp such an authority against my will, because in justice divers planters ought to have grants from me. For when I have revoked the power I gave you for that purpose, any man else may, as well as you, undertake to pass grants in my name, and have as much obligation also in conscience to do it; and how ridiculous that were for any man to do I leave it to you to judge.

When I did give directions to you not to grant any more lands to those of the Hill there, upon any pretence whatsoever, I did, so far as concerned them, revoke that power I formerly gave you of granting lands there, and it was a great breach of trust in you to do the contrary; for I believe you would take it very ill, and with good reason you might, if any man whom you should trust with the keeping of your seal should affix it to anything contrary to your direction, although you were bound perhaps in future to cause it to be done yourself. If these persons had had any just cause of complaint by having grants refused them, it had been your part only to have referred them unto me, who knew best my own reasons why I gave the aforesaid directions, for you are merely instrumental in those things to do what I direct, and not to compel me to do what you think fitting. And for aught you know, some accident might have happened here that it was no injustice in me to refuse them grants of any lands at all, which I do not, I will assure you, mention without good ground.

I shall earnestly, therefore, desire you to be more observant hereafter of my direction and not expect that I should satisfy your judgment by acquainting you still with my reasons why I direct anything; for then my power there were no more than any man's else, who may with reasons persuade you to do or forbear anything as well as I.²¹

Finally, it should be said that no small part of the mystery surrounding this long drawn out controversy between Lord Baltimore and Jesuit missionaries lies in the fact that the dispute should have so persisted, in view of certain expressions credited to the General of the Order at Rome. In December, 1643, he, the highest authority in the Society, wrote to the Provincial in England: "Certainly to the effect that no hindrance may be put in the way by any disagreement about earthly belongings, I have already expressed my mind to your Reverence, that for the sake of peace you should forbid ours to accept any landed property without the consent of the Right Honourable Baron, lord of that region; and I trust that letter will have reached you. I should be sorry, indeed, to see the first fruits, which are so beautifully developing in the Lord, nipped in their growth by the frost of cupidity."²²

The annotations of Lord Baltimore, preserved on some of the original documents, are pithy and to the point. On Father Copley's letter of April 3, 1638, he writes: "Herein are demands of very extravagant privileges;" for the missionary manager of the Order had asked: "That ourselves and our domestic servants, and half, at least, of our planting servants may be free from public taxes and services, and that the rest of our servants and our tenants, though they exteriorly do as others in the colony, yet that in the matter of exacting or doing it, privately the custom of other Catholic countries may be observed as much as may be, that Catholics out of bad practice come not to forget those due respects which they owe to God and his Church." Ignoring the argu-

ment of the proposed subterfuge, Calvert's summary, on the margin of this paragraph is equally pointed: "All their tenants, as well as servants, he [Copley] intimates here ought to be excepted from the temporal government."²³

The open objections and underlying purposes of the Jesuits are summed up in Father Copley's letter to Lord Baltimore in which he writes: "It was not fit that we should be there in the General [Assembly] in person and our proxies would not be admitted in that manner as we could [wish to] send them, and therefore we were excluded thence; so we did not intermeddle with them."²⁴ Afterwards, there sprang up in the colony objections to having clergy taking seats in the Assembly; until, at last, in the State Constitution of 1776, a long-prevailing custom was embodied in the Constitution, where it still remains; that no ecclesiastic may sit in the legislature of Maryland, perhaps a condition unique among the governments of the world. Furthermore, no religious body may become the beneficiary of a will, receive as a gift or obtain by purchase any lands, except an actual building site, without the express sanction of the legislature. Finally, "no gift, sale or devise of land, nor gift nor sale of goods or chattels to take effect after the death of the donor or seller can be effective without ratification by the Assembly; for, from 1638, causes matrimonial and testamentary were wholly under civil control.*

* "To make assurance doubly sure, a law was passed making any clergyman ineligible for a seat in the General Assembly. This, too, has come down to our own time, and it is still a part of the constitution of Maryland. As a consequence, Maryland is the only State in the Union where ministers of religion have never helped to pass her laws. From this standpoint, therefore, the separation of Church and State, following the early practice of the colony, has gone farther than in other States,"—Father J. Elliott Ross, *Lecture MSS.*, 1933. Cf. Steiner, *Maryland During the English Civil Wars*, p. 63. Dr. Steiner takes the occasion to note the fact that "Maryland is the only State of the Union which requires a religious ceremony for the completion of a marriage"—a provision representing the thought of a later day and furnishing sharp contrast to the above-mentioned limitations upon the clergy. According to Colonial law under the Calvert dispensation, magistrates as well as ministers could perform the marriage ceremony,—Cf. *Archives*, II, 148.

Theses almost innumerable have been written in interpretation of the phrase in a law of the Maryland Assembly of 1639 which states that, "Holy Church within this Province shall have all her rights, liberties, and immunities, safe, whole, and inviolable in all things." Common sense, involving a simple recognition of the precepts of Lord Baltimore and the actual practices of the settlers, rather than references to precedents centuries old, provide the correct explanation. The whole matter may be disposed of, and the tomes of argumentation dismissed, with the presentation of a recently-discovered contemporary explanation made in connection with the trial of the Reverend Francis Fitzherbert, S.J., who was, near the close of the Puritan régime, accused of the "practising of treason and sedition." The case did not come up for trial until June 5, 1662, when the Provincial Court consisted of Governor Philip Calvert, Henry Sewell, Robert Clarke, Baker Brooke, and John Bateman. Father Fitzherbert demurred to the "information," and made response as follows:

Neither denying or confessing the matter here objected: Since by the very first law of this Country, Holy Church within this Province shall have and enjoy all her rights, liberties, and franchises wholly and without blemish; amongst which that of preaching and teaching is not the least, neither imports it what Church is there meant, since by the true intent of the Act Concerning Religion every Church professing to believe in God the Father, Son and Holy Ghost is accounted Holy Church here.

Since the Court allowed the demurrer, the statements made therein should forever settle the long drawn out arguments as to the correct interpretation of the famous clause in the "Act for Church Liberties" of 1639. Labored arguments have read into this Act subtle significance or deeply hidden purposes; such as that Lord Baltimore secretly designed to set up the Roman Catholic Church in his Province; or, that the words "Holy Church" referred to the An-

glican communion; to say nothing of a half dozen other shades of meaning attributed to it, according to the peculiar slant of the disputant: while a few have earnestly contended that it meant nothing at all. For all of which see the various Maryland histories and pamphlets—from Bozman, who leans to the first interpretation, followed more or less by Scharf, to Bradley T. Johnson, who, though unaware of the court decision just recited, reached that conclusion which a knowledge of this decision makes inevitable.²⁵

CHAPTER XI

ECONOMIC AND SOCIAL PROBLEMS

IN A general way, the liberal terms offered to prospective settlers by Cecil Calvert resemble those advertised by George Washington with a view to attracting pioneers to take up the latter's extensive holdings in the Ohio Valley. In the first issue of the *Maryland Journal and Baltimore Advertiser*, August 20, 1773, Colonel Washington offered prospective tenants land free of rent for "a reasonable number of years," provided, "within the space of two years from next October, three acres in every fifty contained in each lot, and proportionable for a lesser quantity, shall be cleared, fenced, and tilled . . . and that at least fifty good fruit trees for every like quantity of land shall be planted on the premises."

Lord Baltimore's terms allowed the first adventurers ten acres free with five acres additional for every individual brought with them. In addition, for every five persons whose passage was provided for at twenty pounds each—which amount covered also the necessary equipment for settlers—he granted two thousand acres at a yearly rental of four hundred pounds of wheat. Certificates for land thus granted offered a medium of exchange, thereby constituting what may be termed the first paper currency in the Anglo-American colonies. In no previous colony had there been such initial equality of opportunity in the taking up of land for each freeman in proportion to his ability to meet expenses, to say nothing of provision made for indentured servants upon the expiration of their terms of service. Cecil Calvert, "absolute lord and proprietary" though he was, took up his own

claims for specific holdings on the same terms he had laid down for others.

It should be borne in mind, however, that the above conditions were subject to variation, usually on terms even more favorable to the settlers. For example, the first formally published conditions of 1633 were considerably modified. Since the tobacco planters developed a tendency to spread their holdings without proper regard to the safety of the colony, the early settlers were assigned a plot of ten acres within the "town and fields of St. Mary's city." Subsequently, by an ordinance of 1683, Charles Calvert "allowed any person to purchase land in the province to any extent. The caution money or purchase money did not relieve the holder of the usual quit-rent. Along the seaboard the caution money was one pound of tobacco per acre, in the inland parts it was two pounds of tobacco per acre. . . . As there existed in the province, during the first century, a scarcity of English gold and silver coins, we find the payments in pounds sterling were commuted to payments in tobacco, the legal money of the colony, at the rate of two pence per pound of tobacco, and, at times, in corn."¹

In comparatively recent times, in rural sections, the people of any given community have been accustomed to "turning in" and mending or "making" public roads. The first State House in Maryland was erected on this cooperative basis. The Assembly, in the terms of the bill, called it a "towne-house;" and it was provided that "every house-keeper [-holder] should be contributory to the said building either in stuff, workmanship, labor, or tobacco, in such manner and after such rates proportionately to each man's personal estate. . . . Provided, that the whole charge thereof amount not to above six thousand weight of tobacco in the whole Province, and that no man (artificers excepted) be pressed to labor at the said building before November or after February in any year; and provided that artificers and

laborers have such rates for their work as are reasonably used within the colony.”²

While the principal medium of exchange was tobacco, trade with the Indians was carried on in the simple currency to which the natives were accustomed; *viz.*, *peag* (or *peak*) and *roanoke*. Peag consisted of small polished cylinders about a third of an inch long and a quarter of an inch in diameter made out of clam or mussel shells, pierced for stringing. Dark colored peag was more highly esteemed, but the commoner variety was white, called *wampum peag*, which term came to be applied to both kinds. Roanoke was equivalent to the baser metal of European coinage and consisted of bits of flat shell that also were pierced for stringing. Broad belts of wampum were used in larger transactions, notably in payment for land.

It has been seen that, on arrival at the site of settlement, Governor Calvert offered the Indians articles of practical use, such as hoes and other implements of husbandry. At times, one is surprised to find that the natives were willing to trade furs and pelts for articles of European wearing apparel; for example, in the journal of Captain Henry Fleet, we find an entry to the effect that the “Indians delight in broadcloth, and coats, shirts, and Scottish stockings.” “The women,” he added, “desire bells, and some kinds of beads.” The author of the “Relation” reported that the Werowance of Patuxent “goes frequently in English attire, so doth he of Portoback, and many others that have bought clothes of the English.”³

It is not known precisely when slavery was introduced into Maryland; but we find from a statute of the Maryland Assembly of 1639, “that all the inhabitants of this province being Christian (slaves excepted) shall have and enjoy all such rights, liberties,” etc., “as any natural born subject of England hath, or ought to have enjoyed in the realm of England.” The exception must refer to negro slaves; for

there appears no effort to enslave the Indians in Maryland.⁴ As early as 1636, at Marblehead, Massachusetts, the *Desire*, the first American slaveship, set out on its career; and it would be interesting to know whether this vessel ever brought African negroes to Maryland or whether the first negroes brought into Maryland came in as indentured servants, as was at first the case in Virginia.⁵ Subsequently, many Marylanders became slave holders; but few, if any, ever engaged in the practice of seizing negroes in their native land and transporting them to America. The insanitary and crowded conditions characteristic of the transatlantic voyages of that day brought about terrible mortality among the white immigrants; but on the slave ships conditions were worse, even if the death rate were no greater. The "relation" of Father White refers to the importation of four servants, one of whom was Francisco, a mulatto; but all four of these must have been indentured. The Dred Scott case may have had its earliest precedent in the suit of John Baptist, described as a "Moor from Barbary," who sued for his release. The Court offered him freedom after two more years, making a total of seven years of service. The case is of particular interest in that service of negroes for a term of years and service for life must have at this time (1661) existed contemporaneously. The testimony accepted by the Court was to the effect that "Mr. Oversee that brought him in did not sell him for his lifetime."⁶

Three years later, the General Assembly enacted legislation that all "slaves to be hereafter imported into the Province" shall serve "for life" and that their children would be bound out "for the terme of their lives," a notation that further supports the conclusion that negroes were at first introduced under indenture. Early in 1643 (N. S.) Governor Calvert "covenanted" for a number of negroes to be delivered to him the following year by mariner John Skinner; but since none was listed in the inventory of his estate a few years



CECIL CALVERT, SECOND LORD BALTIMORE, FOUNDER OF MARYLAND

later, it would seem that these negroes served a period of indenture; unless, in the mean time, their persons or their service had been transferred to others, or that the agreement was not carried out.

In the matter of individual equipment for prospective colonists, the Proprietary's recommendations covered many items of wearing apparel, from two "Munmouth caps or hats" to "three paire of stockings" and "six paire of shoes." For groups of five there was a long list of "toolles" including two kinds of hoes, axes, hammers, shovels; a grindstone; and all the usual implements for carpentry. Household implements for six consisted of platters, dishes, and spoons of wood; a spit, gridiron, pot, kettle and large frying pan. In the matter of "bedding two men" was an item of "seven ells of canvas to make a bed and bolster, to be filled in the country. Each able-bodied freeman was to be supplied with means for defense and forage; *viz.*, a musket, ten pounds of powder and forty pounds of lead, bullets, pistol and goose shot, of each sort some. He was also expected to have a sword, belt, "bandeleere and flaske."

If these first muskets were like the muskets in use in the first half of the 17th century in Europe, they must have been awkward implements for adaptation to colonial conditons. They were very heavy and required an accompanying rest for the barrel—a cumbersome weapon for American colonists who were soon to produce the best marksmen in the world. Lord Baltimore's items in the matter of arms did not include spears or pikes. These weapons were eighteen feet long with iron heads extending two and a half feet down the shaft, itself an inch or more thick. "With such," says Eggleston, "the Massachusetts militia was trained for more than forty years."⁷ A recrudescence in their use may be noted in the New England manufacture of spears or "pikes" for the use of the slave insurrection planned by John Brown over two hundred years later. Stored near Sharpsburg, they may have

been the only such primitive weapons ever known in Maryland. On the other hand, Skirven reports the item of "one *crossbow*" which was associated with the early history of Kent Island.⁸

"In the taking of servants," the prospective planter was urged "to furnish himself with as many as he can, of useful and necessary arts: A carpenter, of all others the most necessary; a mill-wright, ship-wright, boat-wright, wheelwright, brick-maker, brick-layer, potter: one that can cleave lath and pale, and make pipe-staves, etc. A joiner, cooper, turner, sawyer, smith, cutler, leather-dresser, miller, fisherman, and gardener. These will be of most use; but any lusty young able man, that is willing to labour and take pains, although he have no particular trade, will be beneficial enough to his Master." With regard to the list of skilled laborers, it should be said that while Englishmen at home stuck to their respective trades, Englishmen in America, regardless of special training, soon learned to turn their hands to anything. The "brick-maker" became a brick-layer, or a carpenter, or a turner, as occasion demanded.

There is "strong proof," says Bozman, writing in 1830. "that it was the intention of the first Lord proprietary, and those first concerned with him in the government of the Province, to have instituted therein an order of nobility, as he was expressly authorized to do by the fourteenth section of his charter. Although many manors were laid out and granted within the province by the lord proprietary, yet it nowhere appears on our records, that any peculiar privileges, such as appertain to peers of the realm in England, were ever claimed or at least enjoyed by the grantees of such manors. It may be conjectured, that the unlucky insertion of the clause,—'So that they' (to wit, the titles and dignities to be conferred) be not such as are now used in England,—in the same section, spoiled the appetites of our first planters Maryland for hereditary titles. That they always possessed

a desire for hereditary honors and distinctions is evident from the excessive anxiety often manifested by them, as well as their fellow colonists of Virginia, to transmit the title of colonel of military from father to son; and a governor of Maryland has been known to grant a commission of colonel to a wealthy planter merely because his father and grand father had enjoyed the same title, although there was not at that time any militia organized in the province. The revolution, alas! has not quite extinguished all our fondness for these things."⁹

Not only did Cecil Calvert provide for the development of an extensive manor system for his colonists but he played a unique rôle in an effort to establish a manor or manors for the Maryland Indians. In 1650, when the Lord Proprietary learned that the peaceably inclined Chesapeake tribes were being pressed back farther and farther by the steady encroachments of the whites, he wrote to his brother: "We esteem ourselves bound in honor and conscience to allow them, according to their desire, some place of habitation there by a title derived from us." He then proceeded to define and set aside a "certain tract of land in the head of Wicomoco river, called Chaptico." The land thus set apart for the Indians consisted of a patent of eight or ten thousand acres, which was to be made into *Calverton Manor*, where courts baron and courts leet were to be held, as in the case of any such similar grant made to white settlers. No copyhold was to exceed fifty acres in extent except in the case of a werowance. Robert Clarke, Lord Baltimore's own official surveyor in the Province, was appointed steward. Undoubtedly, this proposed adaptation of feudal procedure to the use of the aborigines was indicative of the good intentions of the Proprietary. What might have developed therefrom we cannot know, since Lord Baltimore's plans were brought to nought in the Puritan upheaval.

By coincidence, or otherwise, the advent of the Puritan to power in the Province was accompanied by the echoes of the

witchcraft delusion of Old and New England. No "witch" is known to have been sacrificed in Maryland, at any time. On the contrary, two special trials are recorded of those accused of hanging witches on the high seas en route to the Province. One Mary Lee was condemned and put to death on board the *Charity* sailing from London in 1654.¹⁰ Disguised as a layman, the Reverend Francis Fitzherbert, was on board the ship, and the incident was referred to in the Jesuit correspondence of that year as follows: "The tempest lasted in all, two months, whence the opinion arose that it was not on account of the violence of the ship or atmosphere, but was occasioned by the malevolence of witches. Forthwith they seize a little woman suspected of sorcery; and after examining her with the strictest scrutiny, guilty or not guilty, they slay her, suspected of this very heinous sin. The corpse and whatever belonged to her they cast into the sea." The result of the trial of the master of the vessel is not recorded, although it took place in the Province after the arrival of the *Charity*.¹¹

When one Elizabeth Richardson on board a vessel bound for Virginia and Maryland was hanged, no less a person than the great-grandfather of George Washington voiced formal charges, from the colony of Virginia. With regard to this complaint, Governor Fendall wrote to John Washington as follows:¹²

Mr. Washington,

Upon your complaint to me that Mr. Prescott did on his voyage from England hither cause a woman to be executed for a witch, I have caused him to be apprehended upon suspicion of felony, and do intend to bind him over to the Provincial Court to answer it, where I do also expect you to be, to make good your charge. He will be called upon his trial the 4th or 5th of October next at the court to be held then at Patuxent near Mr. Fenwick's house, where I suppose you will not fail to be.

Witnesses examined in Virginia will be of no value here in this

case, for they must be face to face with the party accused, or they stand for nothing. I thought good to acquaint you with this, that you may not come unprovided.

This at present, Sir, is all, from

Your friend,
JOSIAS FENDALL.

To this John Washington replied in, perhaps, the quickest intercolonial exchange on record:

29th September.

Honorable Sir,

Yours of this 29th instant this day I received. I am sorry that my extraordinary occasions will not permit me to be at the next Provincial Court, to be held in Maryland the 4th of this next month. Because then, God willing, I intend to get my young son baptized, all the company and gossips being already invited. Besides in this short time, witnesses cannot be got to come over. But if Mr. Prescott be bound to answer at the next Provincial Court after this, I shall do what lieth in my power to get them over. Sir, I shall desire you for to acquaint me whether Mr. Prescott be bound over to the next Court, and were the Court is, that I may have some time for to provide evidence, and so I rest.

Your friend and servant,

JOHN WASHINGTON.

No one "comming to prosecute" at the appointed time for the trial, and there being reasonable doubt raised as to Prescott's responsibility, the accused was acquitted.

Prior to this latter trial, one Peter Godson accused the wife of Richard Manship of witchcraft, but, as in Maryland there was no religious hysteria, the evidence was carefully weighed and Godson retracted his charges. On the other hand, in 1674, John Coman was convicted of "witchcraft, conjuration, sorcery, or enchantment, used upon the body of Elizabeth Goodale." Despite the conviction, Coman was reprieved in the following manner:

30th of September, 1659.

Upper House of Assembly, 17th February, 1674

The Lieutenant General hath considered of this petition, and is willing upon the request of the Lower House that the condemned malefactor be reprieved and execution stayed, provided that the sheriff of St. Mary's County carry him to the gallows, and that the rope being about his neck, it be there made known to him how much he is beholding to the lower House of Assembly for mediating . . . in his behalf with the Lieutenant General; and that he remain in the city of St. Mary's to be employed in such service as the Governor shall think fit, during the pleasure of the Governor.¹³

On behalf of the cause they represented, the sacrifices of the Jesuit missionaries were unbounded. In complete disregard of danger, hardships, and death, they worked singly or in pairs over as extended a field as possible, so that they might the sooner gain an intimate knowledge of the natives and their language. Father Andrew White, author of the invaluable *Relatio Itineris*, traveled many miles through the forest to visit Tayac Kittamaquund and work with the Pascataway Indians; and it is recorded that he "lived in the palace with the Emperor himself." From this advanced post, he was subsequently recalled by Governor Calvert lest he should suffer harm or be held by the Indians as a hostage.¹⁴ Father Philip Fisher, as Thomas Copley, Esq., lived at St. Mary's and was general manager of the property acquired by the Jesuit order. It was Copley, in particular, who sought possessions for the Church in direct opposition to Lord Baltimore's plans for the subjection of the church to the state in temporal matters. Father John Brock (John Morgan) labored at the plantation "Mattapanient," or Mattapany, presented by the Tayac Maquacomen. Father Brock gave himself wholly to the conversion of the savages. In a letter dated 3rd May, 1641, he wrote: "I would rather, labouring in the conversion of these Indians, expire on the bare ground, deprived of all human succour, and perishing with hunger,

than once think of abandoning this holy work of God from fear of want." Five weeks after saying this, he had passed to his reward.¹⁵

Perhaps the most notable triumph of the missionaries in the way of conversion of the natives was that of Chief Chitomachen, or Kittamaquund. His seat was some fifteen miles southeast of the present site of Washington city. On July 5, 1640, Kittamaquund, with his queen and infant son, were formally baptized in the presence of Governor Calvert and Secretary Lewger. The Emperor was christened Charles, and his queen, Mary. Thereafter, the ceremony of their marriage by Christian forms was solemnized, and subsequently Charles took his seven year old daughter to St. Mary's to be educated among the English. The latter became the special ward of Mistress Margaret Brent.

Prior to this triumph, the Jesuits had gained the good will of these Indians by helping them to get food during the great drought of the summer of 1639, and by giving successful medical treatment to the Tayac, accompanied with extended prayers for his recovery. According to the account of the priests, Kittamaquund made an effort to learn English, and agreed to live "content with one wife that he may the more freely (as he said) have leisure to pray to God." The missionaries reported also that he abstained from meat on fast days and was "greatly delighted with spiritual conversation." In appreciation for these services, the Emperor made extensive grants of land to the Jesuit order through Father White and the other priests, as stated elsewhere. This covenant was the innocent cause of the trouble that arose, when the Jesuits, claiming the lands for the church, insisted that neither the lands nor the priests, nor their assistants and servants thereon, were subject to the authority of Lord Baltimore on the same basis as laymen holding such possessions of the Proprietary. In March, 1644, as the Indian girl's guardian, Mistress Margaret Brent, on behalf of Prin-

cess Mary Brent Kittamaquund, sued for 7,000 pounds of tobacco, for the price of eleven head of cattle, due from the estate of Leonard Calvert. Eventually, it seems, Princess Mary got the cattle on the following terms:

Sold unto Mrs. [Mistress] Mary Kitomaquund, four kine, three yearling heifers, one yearling bullock, two bull calves, and 2 cow calves of his Lordship's stock, now being in the possession of Mrs. Margaret Brent; for the price of five thousand seven hundred weight of tobacco & cask, received by us of the said Mary Kitomaquund to his Lordship's use afore the signing hereof. And we do hereby on his Lordship's behalf warrant the said kine and their increase unto the said Mary and her assigns against all men.

This agreement was signed by Giles Brent, John Lewger, and William Brainthwait.¹⁶

Some references have been made to the relative proportion of Catholics and Protestants in the early days of the Province. Probably it will never be known exactly what were the relative numbers; but it is difficult to see how any conclusion may be drawn other than crediting the sum total of the various branches of Protestantism with numerical preponderance. Testimony to this effect is given by both sides; but the most emphatic comes from the Jesuit Fathers. In Volume I of the *American Historical Association Reports*, Professor Alfred Pearce Dennis makes the following observation: "The second Lord Baltimore sent over his first colonists to Maryland in 1634. Of these adventurers who seated themselves at St. Marys, near the banks of the Potomac, a very considerable number, if not a majority, were Protestants. Father Henry More writes to Rome, 'by far the greater part of the colony were heretics.' The father provincial writes to Rome, less than seven years after the founding of the colony, 'three parts of the people or four at least are heretics.' "¹⁷

When we consider the names of the individual Indians and of their tribes, we cease to wonder that so few settlers under-

took to master the Indian dialects. For example, we find a simple notation in the records of December 26, 1660: "A License was granted by the Governor to five Indians, (*vizt*) Winand, Naquotick, Unachanataw, Meughcam, and Qwandawaghweigh, to hunte Rakone [raccoon] Wolves and other wild beasts." On another occasion it was recorded that, "Articles of Peace and Amity" were "concluded betwixt the Hon. Charles Calvert, Esq., Governor Philip Calvert, Esq., Chancellor Henry Sewell, Esq., Secretary Mr. John Bateman, Councillor on the behalf of the Lord Proprietary of this Province of Maryland, and Hocpeckquomeck, Lennewewigh, and Colaccameck, Kings of the Delaware Bay Indians, by their Embassadors Monickta, Chehooock, and Tichacoon, sent to treat at the fort of New Amstill this 3d day of August, 1663." Also, in June, 1666, we find the terrapin and fox "marks" of Wastahanda Hariguera and Gosweinquerackqua affixed to a treaty between the English and the Susquehannocks, in which the Indians pledge themselves to give up Wanahodana, an alleged Indian murderer of an Englishman, should he "return out of his captivity" from the Senecas, and also the two sons of the King of Potomac.¹⁸

A simple "memorandum" bears the following account of an Indian legend concerning the descent of the Emperor of Pascatoway, which may be called the first inquiry in American genealogy:

Upon the 20th of December in the year of our Lord, 1660, came the brother of Uttapoingassenem accompanied with the great men of Portoback, Nangenaick and other Indians inhabiting that quarter, nine in number, to me, Philip Calvert, Lieutenant and Chief Governor of the Province of Maryland, to desire of me the continuance of the peace formerly made with Weghucasso, late Emperor of Pascattoway tendering also a present from Uttapoingassenem, the present Emperor, in token of his perfect friendship, whereupon I desired him to know how Uttapoingassinem came to be King,

whether by succession or election? or by what other title, to which he answered by the interpreter, Mr. Thomas Mathews, setting forth the title of their Kings in this manner; *viz*:—

That long ago there came a King from the Eastern Shore who commanded over all the Indians now inhabiting within the bounds of this Province [naming every town severally] and also over the Patowmecks and Sasquehannoughs, whom, for that he did as it were embrace and cover them all, they called Uttapoingassinem. This man dying, without issue, made his brother Quokonassaum King after him, after whom succeeded his other brothers, after whose death they took a sister's son, the government descended for thirteen generations without interruption until Kittamaquund's time, who died without brother or sister and appointed his daughter to be queen, but that the Indians withstood it as being contrary to their custom, whereupon they chose Weghucasso for their King, who was descended from one of Uttapoingassinem's brothers (but which of them they know not) and Weghucasso, at his death appointed this other Uttapoingassinem to be King. Being descended from one of the first Kings, this man they said was Jan Jan Wizous, which, in their language signifies a true King, and would not suffer us to call him Tawzin, which is the style they give to the sons of their Kings, who by their custom are not to succeed in rule, but his brothers, or the sons of his sisters. . . .

The "emperor" did not long survive his honors; and, in accordance with an agreement with the Pascataway Indians, Governor Charles Calvert, with some of his staff, attended the election of a new Emperor on June 1, 1663. The Indians were represented by "The Greate men of Pascatoway, the King and Greate men of Chingwoatyke; the King and Greate men of Portoback & Mattawoman." The assembled kings presented a "young youth" of eleven named Nattawasso as their choice and desired the approval of Governor Calvert. The latter passed favorably upon the choice, with the reservation that the English would subsequently consider the matter of the proposed marriage of Nattawasso with a Princess of the Wannys family. For some reason, the

Governor warned the Indians not to harm the new Emperor, "either by poisoning of him, or by other indirect ways," a warning which suggests a suspicion of foul play in connection with the brief reign of the young emperor's predecessor.¹⁹

In modern news-print parlance, the following "sour note" on the tales of Indian royalty was contributed by George Alsop:

Their Government is wrapped up in so various and intricate a laborinth, that the speculativist artist in the whole World, with his artificial and natural optics, cannot see into the rule or sway of these Indians, to distinguish what name of Government to call them by; though Purchas in his Peregrination between London and Essex (which he calls the whole World) will undertake (forsooth) to make a monarchy of them, but if he had said anarchy, his word would have passed with a better belief. All that ever I could observe in them as to this matter is, that he that is most cruelly valorous, is accounted the most noble. Here is very seldom any creeping from a country farm, into a courtly gallantry, by a sum of money; nor feeing the heralds to put daggers and pistols into their arms, to make the ignorant believe that they are lineally descended from the house of the wars and conquests; he that fights best carries it here.²⁰

In treaties made between the Indians and the Marylanders there are several references to be found which refer to a common God or Creator, and there is also an interesting clause at the conclusion of an act of the Assembly of 1666 relating to the "Confirmation of the Articles of Peace made with the Indians," which reads: "That the aforesaid Articles, dated the twentieth of April, one thousand, six hundred, sixty-six, be inviolably kept and preserved according to the true intent, purport, and meaning of them, and for the preservation of the people of this Province, and honor of his Lordship and the English Nation, which will undoubtedly suffer by breach of faith even to a heathen."²¹

In the proceedings of the Upper House of the General

Assembly of April–May, 1666, we find the following Indian point of view as to interracial relationships:

Let all former idle discourse of the young men on both sides be forgotten. . . . Let us have no quarrels for killing hogs, no more than for the cows eating the Indians' corn. If an Indian kill an English, let him be delivered up; but let it be characted so that the Indians may know it by a black or red sign. Mrs. Langworth's children were killed, and [when] the murtherers were delivered; they found a man Indian dead in the path killed by the English, for which they have no satisfaction and desire it may be considered. Your hogs and cattle injure us; you come too near us to live and drive us from place to place. We can fly no farther; let us know where to live and how to be secured for the future from the hogs and cattle.

Let all the fellows that carry tales on both sides be bound and delivered on both sides; if they cannot prove their allegation, to be punished. As they treat the English friendly, so let not the Indians be beaten without cause when they come amongst the English, and let their privilege of hunting be preserved, as also fishing and crabbing. . . . They own the power that Kittamagund gave to the English to choose the Emperour of Piscattaway and submit to it.

To these more general professions, Isapatawn, speaking "for the King of Nangenaick's son" added a specific detail which elicits our sympathy, when he humbly submitted the complaint that "[Thomas] Emmerson hath thrown down the fence made by the Indians at Nanjemy about their corn by which eight men have lost their whole crop of corn, for which they complain and desire to be secured for the future."²²

In February, 1664, ex-Governor Fendall made humble petition before his successor that the Indians of Sackayo and Portoback had suffered damages to their crops by reason of a "stock of horses and mares" of the estate of Edward Prescott, for which the natives desired redress. Some of the horses, by virtue of a deceased neighbor's will, Fendall claimed for his daughter. The result may be quoted from the

order of the Council to establish a horse and cattle pound, in order to give satisfaction to the Indians and indemnify them for their losses:

Upon the Petition aforesaid of Josias Fendall Esqr. in the behalfe of the Indians, It is ordered That the Inhabitants next adjoining unto the Indians of Sackayo and Portoback Doe help the said Indians to make a sufficient Pownd, or Fence well closed; And that the said Indians shall drive into the said Pownd all such hoggs, Cattle and horses, as shall any wise damnify them in their Corne feilds or otherwise, betweene the months of March and December next following. And it is likewise ordered That the owners of such hoggs Cattle & horses as shall doe such dammage unto the said Indians which shall be putt into the Pownd, That such owners shall pay for such damages done by their hoggs Cattle or horses, as shall bee by Thomas Mathewes one of the Commissioners of Charles County, thought fitt and requisite, and the said Thomas Mathews to adjudge the Damage."²³

The labors of the research worker in the Maryland archives are frequently rewarded by the unearthing of forgotten expressions. In the records of the trial of William Lewis we find the term "heredicrous," which was an original compounding of the noun *heresy* and the adjective *ridiculous*. The majority of discoveries are concerned, however, with the use of words in unfamiliar or obsolete connotations; for example, when Augustine Herman proposed the appointment of persons to determine the points at issue between Maryland and New Netherland, he stipulated that they should be "rational," by which he meant *reasonable*, or *impartial*.²⁴ For judges who were "indifferent," we now read *disinterested*. "Sufficient" men were men equal to the task assigned them; hogs described as "disfrequent" were domestic hogs that rarely turned up for feeding. "A frequent house" was used to denote an Assembly with a working quorum, or perhaps a majority of the members. Words or expressions now regarded as modern slang or local dialect were in cur-

rent usage in colonial days; for example, George Alsop's reference to deer that were "*mighty* numerous." He "bears the bell away" appears to be the colonial equivalent for *takes the cake*. Alsop refers to "saving my bacon." An approved early use of the much-derided, and ardently defended, "you all" of the southern States is found in the discourse of the Upper House of the Assembly with respect to the "obstinate fortitude" of the members of the Lower House: "You mistake us and your privileges too," reads the record, "for we desire only a full free debate with you all."²⁵ The word *platform*, common in modern political parlance, was known to the political writers of the 17th century; for the author of the "Hue and Cry out of Virginia and Maryland" definitely refers to the "platt form" of the "Berkeley and Baltimore parties" of 1676.²⁶ In modern usage, *dieting* points to definite limitations; but "dyetting" in colonial Maryland, ran the gamut of gastronomic enjoyment. "Desperate debts" were uncollectible accounts. The term "roasting ears" was known to the colonists almost from the date of settlement, as witness Mrs. Barbara Smith's letter, who correlated Coode's rebellion with the advent of this prime product of the summer season. Many quaint expressions as to the time of day appear in the records of this period; *e.g.*, "the shutting in of daylight;" "the better by an hour and a half of sun."²⁷ "Gangs" applied to herds of cattle. Legislation directed against "engrocers" was the equivalent of present day laws aimed to regulate monopolies. "Painful" men were conscientious; and there were such delightful expressions as to "cast" one over the river, usually by canoe; but if it were by public ferry, one paid "waftage."

Evidently the first immigrants were astonished at the severity of the storms in the new country, especially those accompanied by lightning and thunder. A continuous down-pour was a "glutt of raine," a term used by William Strachey, secretary of the Virginia Company in describing the fierce

storm that wrecked the *Sea Venture* on the "still-vex'd Bermoothes." Evidently, Strachey's letter to "a most excellent Lady," suggested the use of the word, along with sundry others, to Shakespeare. *Glut* occurs but once in Shakespeare's works and then only in *The Tempest*.²⁸

As far as known, there was but one Original Brown, a Kent Islander released from his indenture by George Evelin.²⁹ Indian "emperors" were numerous, but there was also an *Emperor* in the Smith family, for we find him given special notice. In fact, the subject of naturalization may be covered by quoting the form by which he was made a "denizen" of Maryland, as follows:

Caecilius absolute Lord and Proprietary of the Provinces of Maryland and Avalon, Lord Baron of Baltimore, &c.: To all persons to whom these presents shall come, Greeting in our Lord God Everlasting. Whereas Emperour Smith, subject to the States of Holland, having transported himself into this Province here to inhabit, and as a free denizen freedom land to him and his heirs to purchase. Know ye that we, willing to give due encouragement to the subjects of that nation, do hereby declare him, the said Emperour Smith, to be a free denizen of this our Province of Maryland. And do further for us our heirs and successors straightly enjoin, constitute, ordain, and command that he the said Emperour Smith be in all things held, treated, reputed and esteemed as one of the faithful people of us our heirs and successors born within this our Province of Maryland. And likewise any lands, tenements, revenues, services and other hereditaments whatsoever within our said Province of Maryland may inherit, or otherwise purchase, receive, take, have, hold, buy, and possess, and them may occupy and enjoy, give, sell alien and bequeath, as likewise all liberties and franchises of this our Province of Maryland freely, quietly and peaceably have and possess, occupy and enjoy as any of our faithful people born or to be born within our said Province of Maryland, without the let, molestation, vexation, trouble, or grievance of us our heirs and successors any custom to the contrary hereof in any wise notwithstanding. Given at St. Mary's under

the great seal of our said Province of Maryland this seventeenth day of February in the 21st year of our dominion over the said Province, Anno Domini 1662. Witness our dear son and heir, Charles Calvert, Esq., our Lieutenant of our said Province of Maryland.³⁰

Because of the lack of adequate records, one of the most difficult subjects to treat satisfactorily is that of colonial education. If all things go by comparison, then the schooling of the first generations of Marylanders suffers in the matter of extent beside that of the more concentrated communities. On the other hand, it has been argued that the very difficulties which lay in the path of education made the acquisition of it the more to be desired and consequently prized, and that it was pursued in its higher courses only by those who were best qualified to profit by it. The proponents of this argument point, in particular, to the exceptional abilities in statesmanship shown by the leaders of the "plantation colonies." In any event, the children of the early Maryland colonists did not have to submit to the excessive, or even morbid, religious examination, introspection, and instruction that accompanied the more extended school facilities of Massachusetts. There was nothing in Maryland comparable to *The Young Child's Catechism*, the first half of which was designed for little learners of "Three or Four Years Old." This volume contained pedagogical gems such as: "What must you do to escape God's anger, which your sins have deserved?" The little child was then required to repeat solemnly: "If I am wicked, I shall be sent down to everlasting Fire in Hell among wicked and miserable creatures." If it be a matter of surprise to educational authorities that Maryland produced so many leaders in field and forum despite limited facilities for schooling, it may also be wondered at that the Massachusetts plan developed any but religious fanatics.

Clergymen of all denominations naturally took up teach-

ing, wherever they happened to be. Summing up, there were, within the first hundred years of the colony, what may be termed "home schools;" neighborhood schools; private schools; and denominational schools. Necessarily, there are few records of home schools, where a private tutor was employed primarily to teach the children of some well-to-do planter. Under such circumstances, the latter not infrequently invited the children of neighbors or even of dependents, like the teacher himself, who often was a well-educated redemptioner. Ralph Crouch may have begun his school as early as 1640. However, by the close of 1662, this early colonial teacher had returned to England, whence he sent back papers relinquishing joint executorship in the estate of Edward Cotton, who had willed that his property be used to continue Crouch's school at Newtown. In his formal deposition, Crouch declared that he had been for several years "ready to teach eyther Protestant or Catholics." The deposition records the laying off from the Cotton estate for Peter Ewen's "dyett and schooling, washing and cloathing."³¹ Subsequently, school masters came up for sale *via* the indenture process; *e.g.*:

To be sold—a schoolmaster, an indentured servant that has got two years to serve.

JOHN HAMMOND, near Annapolis.

N. B.—He is sold for no fault, any more than we are done with him. He can learn bookkeeping, and is an excellent good scholar."³²

By way of indicating that home education was fairly well diffused, despite the wide dispersal of the population under the plantation system, the case of Richard Joanes, a "servant boy," may be cited. The youth had written a receipt for Mrs. William Greene; and the case, when it came into Court (1663) involved what may be called the first recorded instance of calling in experts on handwriting; *e.g.*, "William Ashbishton sayth uppon oath that comparing this writing or

Receipt with other the Boys writings, hee really belieues this to bee the Boys owne writing.”³³

After the Restoration, the Catholic schools had, in the words of Father Shea, a “migratory” existence. There were a few exceptions, however, such as the Newtown Manor School of 1677, and the more noted classical academy at Bohemia Manor (1746), whence John and Charles Carroll went forth to finish their education in France; and, after the American Revolution, to put into actual practice the educational plans of Father Poulton, conceived more than one hundred and fifty years before.³⁴

Any account of the civil, social, and religious problems that arose in the early years of the Province would be incomplete without the story of the loss and replacement of the Great Seal. In 1648, Cecil Calvert sent over a new seal to replace the old, which was lost, destroyed, or carried off during the irruption of Richard Ingle. Happily, this afforded the Proprietary an opportunity to describe the seal at length. The detailed description may be found in sundry reference volumes, and need not be repeated here. Nevertheless, some recent and authoritative comments on the proper interpretation of the Maryland motto should be included. In the words of Francis B. Culver, recognized authority on matters genealogical and heraldic, the words *Fatti Maschii Parole Femine* have been “variously interpreted. A polite rendition makes it mean ‘manly deeds, womanly words.’ I believe, however, that the motto was derived from some proverb formerly in common use among the Italian masses, connoting ‘Deeds for men, words for women,’ or ‘Let women talk, men act.’ ” Seeking further light from Italian sources, an inquiry was addressed to Professor Bruno Roselli, at Florence, who wrote in reply.³⁵

The “courage and courtesy” translation of the Calvert motto is wrong. So is the other—“manly deeds, womanly words.” The latter shows thorough lack of understanding concerning the posi-

tion of women in the late mediaeval and early Renaissance Italy. . . . When an Italian, whoever he was, said "*Fatti maschii, parole femine*", he was throwing no bouquets at the fair sex. In stating that deeds are fit for men, words for women, he was restating in stern fashion the purposes of Mosca de Camberti, who cut short the discussions of the Corsi-Donati feud in Dante's Florence by shouting: "*Cosa fatta capo ha!*"

Reference to the Proprietary seal suggests consideration of the Maryland flag, which, by reason of its design and association, is unique among the emblems of the forty-eight States of the federal union, since it is the only one derived from heraldic design.

The original flag of the Palatinate, presumably flown at the establishment of the government at St. Mary's, and definitely recorded as being on display a few days later at the conference between the Governors of Virginia and Maryland, bore only the "black and yellow" (gold) of the Calverts. Subsequently it was recorded, by witnesses on either side, that such were the colors displayed by the forces of Governor Stone at the battle of the Severn.

In due time, after the Province had become a sovereign State in the American Union, the people of Maryland, evidently having in mind the beneficence and liberality of the Calvert régime, re-adopted the Calvert palatinate seal as the official emblem of the State of Maryland, together with the colors of the Calvert and Crosland families as now displayed in the Maryland flag. By way of contrast it is worth noting that while the other ex-colonies, from the "Old Dominion" and the "Bay State" to Georgia, resorted to new designs of democratic, revolutionary, or radical conception, Maryland alone turned to the past and approved a flag based upon a colonial background.³⁶

Maryland, again, became within herself a "Confederacy of counties," representing the development of original "baronies" and "hundreds." On the ninth of October, 1694,

it was ordered by Governor Nicholson and his counsel that colors (flags) be assigned for each county then established. The colors assigned by Governor Nicholson to the first eleven counties and the dates of the founding of each county are: St. Mary's, 1637, red; Kent, 1642, blue; Anne Arundel, 1650, white; Calvert, 1654, yellow; Charles, 1658, orange; Baltimore, 1659, green; Talbot, 1661, purple; Somerset, 1666, Union Jack; Dorchester, 1668, buff; Cecil, 1674, crimson. In addition, Prince George's County, created in 1695, was assigned the Cross of St. George.*

At the time of the celebration of the 300th anniversary of the passing of the charter under the royal seal, Mr. Percy G. Skirven, of the Maryland Tercentenary Commission, prepared flag designs for the remainder of the twenty-three counties of Maryland on the basis of their "descent" by subdivision from the first counties, and the colors assigned them are as follows: Queen Anne's, 1706, blue and purple; Worcester, 1742, Union Jack; Frederick, 1748, Montgomery, 1776, Washington, 1776, Allegany, 1789, Carroll, 1836, Howard, 1851, and Garrett, 1872, orange; Harford, 1773, green; Caroline, 1773, blue, buff, and purple; Wicomico, 1867, Union Jack.

There seems little doubt that, from the beginning, the Province of Maryland had improved upon the barbarous laws of those ages which committed a person to prison for debt. The jails of England were frequently full of those who were merely unfortunate in the loss of their fortunes, and whose lives had been exemplary. As above indicated, William Penn was imprisoned as a debtor, and had he been living in 1733, he might have been one of the first colonists of Georgia under Oglethorpe's plan for the release and reestablishment of debtors confined in English jails.

* It is of special interest to note that Somerset County was recognized as a maritime county and therefore had the privilege of using the Union Jack bearing the design made by uniting the Cross of St. George for England and the Cross of St. Andrew for Scotland. Cf. *Archives* XX, pp. 154, 281; Richard H. Spencer, *Maryland Historical Magazine*, Vol. IX, 218.

During the early years of the Province, the Court records point to numerous suits for the recovery of debts; but, with perhaps a few exceptions, the debtors were not imprisoned for failure to pay, and a large proportion of the debts in litigation were ultimately settled by the debtors in labor or service. Unhappily, as in all communities, men are sure to arise who take advantage of conditions of comparative freedom from legal restriction; and then the community has to pay the penalty for their misdeeds in the enactment of special legislation. Hence, the Assembly of 1666 embodied in the terms of the "Act for building a Prison at St. Maries," the following provision:

For the better recovering of debts and deterring of riotous persons who contract debts out of a confidence of an impunity of their persons, be it also enacted that every person which shall be taken in execution from and after the 23rd of April, 1667, for any debt or damage recovered in any Court of this Province, and shall not within eight days after his so being taken in execution satisfy the party or parties at whose suit he was taken in execution, shall, by the respective sheriffs of the several counties, be brought down to the prison at St. Maries and delivered to the keeper of the said prison.³⁷

Objections to imprisonment for debt had been formally recognized by the General Assembly as early as September, 1642. At that time, a law was passed providing that if a man who had been a "servant, laborer, artificer," or other workman, should contract a debt which he could not pay, the creditor could require the debtor's personal service to the amount of his debt, the creditor meanwhile being required to provide "competent maintenance" for the support of the debtor's family. Some, however, who had not been accustomed to such manual service, might be "committed to strict custody," with an "allowance of necessaries during that time as the Judge shall see fit," the same to be charged to the creditor.³⁸

That colonial juries and courts were loath to visit the death penalty for theft and like offenses, according to the medieval code then existent under English law, is shown in many instances. In the Proceedings of the Provincial Court for 1666, Pope Alvey was indicted for having "feloniously tooke, stoled, kill'd, and carryd away, against the peace of the Lord Proprietary, his Rule and dignity" a "Certain Cow of black culler to the value of two pounds, tenn shillings." The jury found a verdict of "guilty," but added that the cow was worth "*Eleaven pence and noe more.*" In this way, the jurors hoped to avoid the death penalty involved in the theft of anything of the value of twelve pence or more, that penalty having been decreed by a statute of the year 1108. The Court, however, ordered the jury to reconsider, "with the Charge given them to have a Speciall Care in what they did." Thereupon the jurors returned and gave in the verdict according to the value named in the indictment. The subterfuge was thus set aside and the prisoner was thrown upon the mercy of the Court, which granted a stay of execution and parole for the culprit after "there came several persons and upon their knees humbly begged of the Lieutenant-General the life of the said Pope Alvey."*

An interesting feature of this trial is the notation that the Sheriff was ordered to provide the jurors "a roome without having meat or drinke untill they make returne of their Verdict."³⁹ Some months prior to this denial of refreshments, a provincial jury made report as follows: "Whereas wee have beene detayned here ever since yesterday att noone, to the lett and hinderance of our goeing about our owne business Wee therefore humbly beseech and intreate this honble Court to graunt us order agst the party Cast in the suite

*In reference to the ancient statute Hon. Carroll T. Bond, in a letter to the author, under date of April 15, added: "As early as 1681, in Maryland, the recoil from this severity brought about the enactment that theft or property not exceeding in value the sum of 1,000 pounds of tobacco should be disposed of in the county court and the punishment be whipping or the pillory."

360£ Tob. and Cask, towards our expences." The Court passed favorably upon the petition and ordered payment, whereupon "The Jury delivered in their Verdict." The light of this procedure was by no means hid under a bushel and the subsequent jury made no humble petition but *demand*ed thirty pounds of tobacco per head "as was allowed that former Jury . . . which was graunted by the Board." Abuse of pay and privileges, to say nothing of refreshments, must have led to the drastic dryness of the Court orders above quoted.

In the archives of Maryland, the first reference to the women of the Province is found in the *Relatio Itineris*, when, at St. Clement's Island, "the makes which were brought along" upset the boat. In a letter to Leonard Calvert, Lord Baltimore wrote: "I pray commend my kind respects to Mrs. Mary Traughton and thanke her for mee for the letter shee sent mee this yeare in answeare of another which I had sent unto her the yeare before."⁴⁰ This Mistress Mary Traughton was a widow who came over with Margaret and Mary Brent. In the original "Note of all the Warrants for the Granting of Land in Maryland," is found this entry: "30 July, 1638: Mrs. Traughton, to grant her as much land as any of the first adventurers had in respect of the transporting of five persons thither under the rent mentioned in the first conditions." About two years later, she was the recipient from his Lordship of a "special warrant for 50 acres of Towneland," which was duly surveyed for her in 1640 and patented early in 1641, (N. S.).⁴¹

The principal events in the career of Margaret Brent, the most famous woman of early Maryland annals, have been presented; but it is of interest to reproduce here the expressions of gallantry and confidence—not unmixed, however, with certain reservations—on the part of John Leeds Bozman, as to wholesale participation of women in matters of political moment. In his duo-centenary *History of Maryland*

(1837), Bozman sets forth his viewpoint as to Mistress Brent's demand for a vote in this wise:

As a woman is certainly, by the law of England, not only unentitled to a vote at an election for members of parliament, but is ineligible to a seat in the house of commons, either in her own personal right or as the representative of any county or borough, it would seem, that governor Greene, or the house for him, as is most probable, decided with great propriety in refusing to Miss Brent a seat and vote in the house of assembly. Not that women in general, or this lady in particular, are or were not endowed with sufficient understanding to perceive and direct the true interests of a state, but in popular assemblies there would be an indelicacy in their mingling in the order of debate with the opposite sex; while at the same time, experience in the reign of queen Elizabeth, to whose character that of our Maryland lady may be aptly compared, has abundantly demonstrated that monarchical power cannot be more safely lodged than in female hands.⁴²

One of the most notable eulogies of a Maryland helpmate, and the first to be recorded, is from the pen of the worthy Captain Cornwallis, who eloquently testifies to the virtues of the wife of his friend, Jerome Hawley, who had departed the Province to accept a royal appointment in Virginia:

Well may the discharging of the office he hath undertaken invite him sometimes to look towards Virginia, but certainly not with prejudice to Maryland, from whence he receives the greatest comforts that the world affords him, both for soul and body, the one from the Church, the other from his wife, who by her comportment in these difficult affairs of her husband's, hath manifested as much virtue and discretion as can be expected from the sex she owes, whose industrious housewifery hath so adorned this desert, that should his discouragements force him to withdraw himself and her, it would not a little eclipse the glory of Maryland."⁴³

Virlinda Stone, wife of Governor William Stone, the Protestant governor brought in from Virginia, also corresponded with Lord Baltimore. A letter from her, giving a

description of the behavior of the victorious Puritans, contained a double postscript, in part of which she recorded a vigorous expression of her views as to the principal ally of "these factious people." The postscript reads:

Hemans the Master of the *Golden Lion* is a very Knave, and that will be made plainly for to appeare to your Lordship for he hath abused my Husband most grosly.

There are numerous instances of women being made executors for the estates of their husbands; and, in some cases, for the estates of others, as in the experience of Margaret Brent. In addition to these activities of the women of the Province, it is recorded that the General Court held at Patuxent on September 22nd, 1656, "ordered that a jury of able women be impanelled and to give in their verdict to the best of their judgment" as to whether Judith Catchpole had been guilty of infanticide. Again, in 1667, another jury of women was called to pass judgment upon one Hannah Jenkins, who also was acquitted. The latter verdict was signed by Mary Vicaris as "fore-woman."

In the Proceedings of the Provincial Court for April, 1658, we find an interesting reference to Anne Hammond, attorney. Anne was, it is true, absent at the trial; but there appears to have been so much freedom in the matter of women appearing in court as "attorneys in fact" that a proclamation was issued by Governor Fendall to the effect that women should be debarred from being "admitted or allowed as Attorneys for their husbands." The case of *Hussey v. Hammond* is as follows:⁴⁴

Upon the demand of Thomas Hussey, plaintiff, against John Hammond, defendant, for one thousand three hundred pounds of Tobacco, in cask, Anne Hammond, the defendant's Attorney, being lawfully warned, and not appearing, and John Lewger, the plaintiff's Attorney, being indebted unto the defendant, for one hundred thirty four pound of sugar, desires that he may ballance that debt

of sugar with the Tobacco which is due from the defendant to him, And upon default of the defendant's Attorney not appearing, upon her lawful summons, as was verified, it is ordered that the plaintiff, shall recover against the estate of John Hammond, husband to the said Anne whose Attorney she is, one thousand three hundred pounds of Tobacco according as is mentioned and specified in the defendant's bill.⁴⁵

The name of Margaret Brent appeared in the records of the Provincial Court from 1642 to 1650 no less than 124 times; that of Captain Cornwallis 163 times from 1658 to 1662. In fact, one would judge that litigation was the rule rather than the exception under the colonial dispensation. However, if the cases were numerous, they were rarely drawn out. Alsop testified that purlieus of vice and harboring places for criminals were unknown, and that civil trials were quickly ordered and completed, and did not hold over for several terms of court, as in England. In the same breath, he humorously observed that: "If the Lawyer had nothing else to maintain him but his bawling, he might button up his Chops and burn his Buckrom Bag, or else hang it upon a pin untill its Antiquity had eaten it up with durt and dust."⁴⁶

With regard to the large number of the educated men of the Province who were called upon to act as attorneys for friends, relatives, and neighbors, Judge Carroll T. Bond has observed that:

The leading men of the period did not abandon all knowledge and judgment in the law to the professional lawyers as laymen do in the more complex modern world. They made an effort to equip themselves with sufficient knowledge to care for their own affairs, at least; and we meet with reports of laymen of extraordinary legal knowledge. It had been so from time immemorial in England, and perhaps it would be more accurate to say that the abandonment of knowledge and skill in the law to the specialists came gradually. . . . The number of lawyers increased as the century wore on, so that by 1690 they formed an influential body in the province.

Several of them had been educated at the Inns of Court; and we have evidence of the possession by them of a considerable outfit of law books. Books bearing their autographs are met with today.⁴⁷

It appears that early colonial attorneys were as ingenious in pleading their causes as their successors of the eighteenth century, many of whom achieved fame beyond the borders of Maryland. In 1669, attorney John Morecroft charged defamation of character against one Robert Morris. Morris, however, was a non-resident "mariner," who, at the house of the Lord Proprietary in England, had accused Morecroft of unethical conduct. Therefore, in order to have at Morris, sojourning in the Province, Morecroft claimed for the Provincial Court jurisdiction over the Lord Proprietor's house as "*in Wild Street in the City of St. Marys in the County of St. Marys.*" In rejoinder Morris declared Morecroft's claim that the Jurisdiction of the Province extended to Wild Street as legally in "the City of St. Marys in St. Mary's County" was "to the great dishonour of our Sovereign Lord the King." All of which, as part of an effort to impeach the attorney, who was also a member of the General Assembly, Morecroft termed "rude and indigested papers." In passing upon the case the House of Burgesses averred that: "It is no crime to alledge Wild Street to be in the City of St. Marys, since if it be illegally done he, the said Morris, may demurr or move in arrest of Judgment or by Writt of Error." Other charges against Morecroft were also dismissed; and it was, "Ordered that Robert Morris pay to the Clerk of the Upper House for Fees the sum of fourteen hundred twenty two pounds of Tobacco."⁴⁸

An interesting notation on estate-settling and burial services may be found in connection with the visit, in 1654, of *The Mayflower*, commanded by Thomas Webber. It appears that Captain Webber had sold some goods to John Stringer, a carpenter, whose sudden death at this time caused no little stir in the Province, since the said Stringer

had become a debtor to a fair proportion of the population of St. Mary's City, if we are to judge by the rush of creditors to lay claims against his estate. The court was called on to consider what should be done; and in view of the fact that "Mr. William Wilkinson, Clerke" had "divers of the decedent's chests and goods locked up in the said Wm. Wilkinson's store" the latter was appointed to look up and report upon the will in the "presence of two or three honest men," and "to see the decedent decently buried with as moderate expenses as conveniently may be." Consequently, in addition to the claims of the host of creditors, Mr. Wilkinson brought in a bill for "710 pounds of tobacco and cask," which covered "charges of buriall," including "a funerall Sermon, a funerall Dinner," with "plank for his Coffin;" and it may be noted that the dinner was rated at three times the price of the eulogy, both being provided by the versatile Mr. Wilkinson. In short, the dinner was valued at 300 pounds of tobacco, while the sermon was rated at 100.

Procedure in the matter of the death of paupers involved public expense; for example, in October, 1665, the Governor and his Council were petitioned by Coroner-Sheriff John Lawson to find means to reimburse him in the matter of one John Dyatt who, three days before had died of "being sick and weake of Body, and nature decayed in him by reason of his age and, [more immediately] of lying under a Cold Banck." Lawson's bill was itemized as follows:

To Beer & sugar 3 qrts before his Death.....	030
To the men that made his grave.....	060
To the Jury in drinke.....	060
To the Impanell of the Jury.....	120
To the Coroner.....	100 ⁴⁹

The people of old St. Mary's and its neighbors early acquired taste and discrimination in the matter of "dyetting," as all food consumption was called; generous living, in fact, became a tradition that has persisted to modern times.

Some forms of sea food now rare were once as much of a glut as tobacco during the seasons of heavy production. Mistress Hawley, eloquently lauded by Captain Cornwallis, was not the only house wife to become famous, though others may not have received specific mention. There being a dearth of taverns, and those few coming in for varying degrees of derogation for inefficiency or extortion, private hospitality was the rule. As previously noted, the early sheriffs were called upon, at their own houses, to lodge and "dyett" those who fell afoul of the law. Food was so plentiful that the best of venison entered the category of delicacies that became a glut, not in the market, for there was not a meat mart worthy of the name, but in the homes of the planters. Alsop testified that "The Gentleman whom I served my conditional and prefixed time withall, had at one time in his house four-score Venisons, besides plenty of other provisions to serve his Family nine months, they being but seven in number; so that before this Venison was brought to a period by eating, it so nauseated our appetites and stomachs, that plain bread was rather courted and desired than it." Again, a little later, he wrote:

Fowls of all sorts and varieties dwell at their several times and seasons here in Mary-Land. The Turkey, the Woodcock, the Pheasant, the Partrich, the Pigeon, and others, especially the Turkey, whom I have seen in whole hundreds in flights in the Woods of Mary-Land, being an extraordinary fat Fowl, whose flesh is very pleasant and sweet. These Fowls that I have named are intayled from generation to generation to the Woods. The Swans, the Geese and Ducks (with other Water-Fowl) derogate in this point of settled residence; for they arrive in millionous multitudes in Mary-Land about the middle of September, and take their winged farewell about the midst of March; But while they do remain, and beleague the borders of the shoar with their winged Dragoons, several of them are summoned by a Writ of *Fiere facias*, to answer their presumtuious contempt upon a Spit.

That the settlers had to contend with risks to life and property involved in "free-bootery" in the Chesapeake as well as on the high seas, is indicated by the caption: "Privateering in St. George's River," wherein charges were brought against the above-mentioned master of *The Mayflower* that in seizing an alleged Spanish-owned ship in Maryland waters he had absconded with the goods of Simon Oversee, "merchant and inhabitant of the Province." The origin and subsequent history of the *Mayflower* and of her commander are not recorded beyond the fact that Captain Webber seems to have violated what may be termed his parole in making off with captured goods, for although an Admiralty Court had been set up in Maryland, Captain Webber stayed not to submit to a verdict. Governor Stone, feeling at that time a sense of insecurity in his tenure under Lord Baltimore, had previously issued a statement that it was not for him actively or forceably to intermeddle with matters that might pertain to the "Court of Admiralty in England."*

Problems arising out of the use and abuse of "strong liquors" came up for consideration while the prospective settlers were still on the high seas. Father Andrew White appears as the first notable advocate of temperance, or even of abstinence, as his journal indicates in describing the passage over. En route, he evidently had sundry arguments with the chief "chirurgion" as to the efficacy of wine as a relief for sea-sickness. The testimony of the physician is, unfortunately, missing; but Father White, as an *ex parte* witness, records in his "relation" that those who drank of the wine that was "given out" at Christmas time "were seized the next day with a fever; and of these, not long afterwards, about twelve died."

*In 1659, the *Mayflower*, described as a "barke," owned or commanded by Captain Daniel Hutt of New England, was condemned and ordered forfeited because of illicit trading, particularly with regard to selling guns and ammunition to the Potomac Indians.

The definition of drunkenness as "drinking with excess to the notable perturbation of any organ of sense or motion" (*supra*) may be the first definition of record in the colonies. Drunkenness was not denounced among the "enormious" offences until the appearance of Deputy Governor William Joseph; but it is not on record that Governor Joseph succeeded in persuading the General Assembly officially to promulgate his view that it was a "sin of all sins the most dangerous." Regulation was the way out for the early settlers. Prohibition proposals did not come up except as the problem affected some phases of the trade with the natives. In fact, we owe to an Indian *tayac* the first such suggestion. In the Proceedings of the Council for December, 1688, it is recorded that "Tom Calvert, king of the Chopticos," complained that "drinke is brought into the Towne by the English and soe the Indians buy it for skins and that keeps the Indians poore, and makes them drunke; especially, one Francis Knott brings strong drinke as Rum &c. and sells it for skins and cheats the Indians." This complaint appeared to call for regulation only; but, on June 9, 1692, under Governor Copley, when a similar petition was presented by the "Emperor and Great Men of Piscattaway and other Indian Townes against the Irregularity of their young Men when they get drunk, and desiring the Prohibition of carrying Rum or Other strong Drink among them for the future," an order of the Council was issued prohibiting the liquor trade with the natives. It was, in effect, the first application of local option legislation.

We find periods where hogs, horses, and cattle occupy relatively greater space in the annals of the Province; at other times we find more to do about titling or townsites; but there was no period unmarked by legislation or litigation concerning strong liquors, from good Spanish wines to the "hot waters" dispensed to colonists as well as to the aborigines. We have seen that when estates were up for settlement

the debts for "wines and hot waters" were the last to be paid. Early in the life of the colony, regulations as to the inspection of incoming vessels were issued by Governor Leonard Calvert. Failure to report was penalized, as one Ralph Beane learned to his sorrow; for, in 1646, it was found that he had imported a large supply of choice liquors, which were duly seized. In course of time, or shortly after the turn of the century, the Maryland Assembly imposed a heavy tariff of nine pence a gallon on "rumm Spiritts, Wine and Brandy imported by Land" from the Province of William Penn. This legislation was not passed, however, in the interest of prohibition but by way of protection of home industries.⁵⁰ Importations of liquors represented an early enterprise; for in 1639 Secretary Lewger wrote: "Mr. Smith hath sent me over a venture of £100; but the greatest part of it in liquors, which I had rather had been in anything else, and if Sir John Simond's adventure be in liquors, I desire it not, because it will undo the colony."

An example of a license to a tavern-keeper in the Puritan settlement on the Severn may be given by way of illustration of colonial methods:

By the Lieutenant and Governor of Maryland:

Whereas Mr. Thomas Belcher of the County of Annarundell within this Province of Maryland hath made suit to me for a license to keep an Inn or Ordinary in some place convenient within the said County for the entertainment and accommodation of strangers and others, as occasion shall require. These are therefore to license and authorize him, the said Thomas Belcher, to keep an Inn, or Ordinary in any convenient place within the said county of Annarundell for the purpose aforesaid as is desired; and to make sale of beer, wine, strong waters, or any other fitting and wholesome drink, victuals, or provisions in his said Inn or Ordinary, he the said Thomas Belcher keeping good order and being conformable in the premises to the laws of this Province. Given at St. Maries under the Great Seal, etc. this 17th day of April, Anno Domini, 1654.

From time to time, as innkeepers became "exorbitant" in their charges, laws were passed, as in 1666, setting maximum prices for various kinds of "spirritts," *e.g.*, "Canary, Madera, Malligoe, and Clarrett wines, ale, Rumm" and so forth.⁵¹ Previously, in 1658, a case of alleged overcharging had come up before the provincial court. It serves to illustrate the customary procedure. From the testimony it appears that one John Caine "ask Mr. Taylor for Drams." He received "six bottles" in return for "27 armes length of Roanoke;" and whatever "remayned was to go upon account." Mr. Caine omitted inquiring the price of the bottles, and subsequently sued Mr. Taylor for extortion. Several witnesses made depositions in support of the plaintiff. Taylor, it seems, always put high value on his wares; and in proportion that he seemed loath to part with the "drams" the more his customers pleaded necessity. Robert Perkisse, being duly sworn, testified he had finally persuaded Mr. Taylor to sell him one bottle on the plea that "his wife was very ill." Mr. Archibald Waghop deposed that, when questioned by Taylor as to his need, he had "replied it was to carry home to his wife." Mr. Waghop, however, took the precaution to inquire as to the price of "said bottle." When informed that it was "ffowrty pounds of tobacco," Waghop declared that "no Ordinary keepers in the Country sold soe deare." Thereupon Mr. Taylor, evidently surprised, but keeping conspicuously within the law against profanity, "went away and said Well! well!"

In pronouncing decision, the Court declared that "40 lbs. Tobacco per Bottle" was an extortionate charge but "thought fitt to dismisse the defendant upon his good obearance [sic] hereafter." No intimations are suggested as to favors rendered by the well-stocked defendant, but an unusual entry immediately follows: "The Court adjourned by the Governor, for a while."⁵²

Drunkenness was rated as a felony; and did result, on oc-

casion, in the death of the offender. To speak ill of the recent dead was, however, an offense against good custom. In April, 1663, it became necessary for one Daniel Clocker to explain the falling out of a canoe of one John Furnifield. The evidence as presented before the court showed that Crocker aroused Furnifield from slumber, apparently rather late in the morning, requesting the latter to "give him a Cast over the River." The "said John," having agreed to "sett him over," proceeded to fetch out "about a pint of Drams." Both then walked down to Henry Ellery's, "And, being there, Henry Ellerys Wife brought out an Earthen pott of Drams conteyning about a quart, which they dranke most part. Then comming into the Canow The said Furnifeild paddled the Canow, and between the Indian Poynt att West St. Maries and the Church Poynt over against it, the said Furnifeild fell out of the Canow and is now drowned."⁵³

From this deposition the jury and the general public could draw their own conclusions—with no accusations made. At any rate, the verdict rendered after the finding of Furnifield's body was that the "dead Corpse" had "come by his death accidentally." On the other hand, in the case of a suicide, the verdict directly charged the deceased with having committed an "enormous offence;" for example, the jury of inquest called upon (October, 1664) to view the body of one Thomas Teedsteed solemnly indicted him for "feloniously and willfully murthering of himselfe."⁵⁴

At St. Mary's City the introduction of lemonade as a beverage created as much excitement, apparently, as the introduction of tea drinking in London, an event almost contemporaneous. On Wednesday, May 2, 1666, the Burgeses received the report of a special Committee which presented a scale of reasonable prices:

For wine per gallon.....	060 lbs.
For Brandy per gallon.....	120
For Beere per gallon.....	018

For Rum per gallon..... 080

For that sort of drinke called L ——— *per gallon 16 lbs. Tob.

* Indistinguishable in original, possibly because it was to the clerk of the House "unspellable".

For some days the Burgesses continued debate on the matter of "liminade;" from which it is evident that the patrons of William Smyth's tavern felt that while the new drink was novel, nevertheless, on its own power, it lacked authority and that the colonists began to experiment in the general direction of cocktail effects. Pursuing the Assembly records further, we find this entry:

Uppon Debate againe of the Ordinary account, this House is willing to allow William Smyth his Acct, which hee hath charged the Burgesses this Assembly for Liquors: As Wine, Rumme, Brandy, Punch, and Liminade made with Wine. But that which he calls Liminade, without strong drinke, they will allow only 25 lbs. pr gallon.

The earliest recorded outcropping of problems involving professional etiquette among practicing physicians is recorded in the case of a patient suing for relief from excessive charges for medical services. The matter came up before the Provincial Court in 1658, when the patient, one Adam Staveley, having been severely "cutt with the limme of a Tree," applied to Chirurgeon Peter Sharp for treatment. Dr. Sharp undertook the case and the plaintiff averred that he "did for three days use his endeavors with some diligence to look into your Petitioner," after which Staveley complained that the "said Sharpe left your Petitioner for the space of Ten dayes to your Petitioner's great wrong." In the meantime, Staveley, "being in much paine and misery" and learning of Mr. Potts' ship coming down the Severn, sent for the surgeon thereon, who engaged, "with gods help," to cure him for a hogshead of tobacco, the new chyrurgeon agreeing to supply him the proper means or medicine. When Dr. Sharp returned, according to witness Sara Benson, he "was very

angry" that his patient had "gott another chyrurgeon." Apparently, however, Mr. Staveley and his friends managed to appeal to the professional pride of Dr. Sharp; for the latter, being put upon his mettle, "engaged to make a cure of it, in a month or thereabouts, or he would have nothing for his labour;" but the patient must agree to go to his house with him. There stayed Staveley from May till February, when he, still disabled, sought and obtained release. Nevertheless, as the patient was being borne away, witness Stephen Benson declared he heard Sharpe say to Staveley, "Hee would gett him Oyles to anoint his wound withall; and, when the Spring came he would provide him Bathes." This offer seems fair enough; but when Dr. Sharp subsequently sent in a bill for one thousand pounds of tobacco "for his Cure of the Plaintiff," with six hundred more "for goods," litigation resulted. After much argument, the Court ordered that of the total amount of the bill presented by Dr. Sharp, one thousand pounds should be deducted, "the Cure not being perfected." The remainder, however, or six hundred ninety-three pounds for goods, "dyetting," and so forth, was ordered to be paid.*

Whether this February reference to baths awaiting the coming of Spring was the usual order in early colonial procedure, 'the evidence sayeth not;' but interesting sidelights are seen in the employment of Sara Benson as practical nurse, together with the various opinions of friends and neighbors as to the efficacy of the methods and remedies of the local physician. Neighbor Richard Wells volunteered considerable advice, while Mrs. Sam Parker declared that, "If her husband would give her leave, shee did not doubt but shee could cure it" herself. Captain William Fuller was even more emphatic, not only in denouncing the methods used by Dr. Sharp, but also in prescribing a remedy of his

* In the course of this trial we find the old term *chyurgeon* giving place to *surgeon*, both spellings being recorded in the same paragraph.

own, which he advised the surgeon to use "for his own credit and the Patient's good." Finally, according to the testimony, the patient "was enforced to take a tedious and chargeable journey to the *Manados* for his cure"—which, being interpreted, means all the way to Manhattan, in New Amsterdam. The story would be incomplete, however, without recording that the ship's surgeon called upon in lieu of the absent Dr. Sharp was properly heedful of professional etiquette in that only when urgently pressed did he disagree with or question his fellow-practitioner's treatment.⁵⁵

The proceedings of the Provincial Court of October 1662, throw an interesting light upon the primitive methods of conveying letters and official dispatches. Suit was brought by the attorney general against Peter Sharp and John Gary, who were accused of opening a letter from Governor Charles Calvert to Mr. Edward Lloyd, the letter bearing with it "the lawes of the Country rowled up, which were both well sealed." Thomas Manning testified he had turned over the letter intact to James Elton, who handed it to Henry Kent. Kent passed the letter on to Thomas Dawbone, who passed it to Thomas Evans. Evans reported delivering it, still well sealed, to William Sparks, who sent it to Isaac Abrahams, who bore it to Thomas Eldrid. Eldrid delivered it to John Boulton, whence it came to Robert Harwood, still in seal, as affirmed by all witnesses, until it reached Peter Sharp and his servant, Margery Grieve. Here Nicholas Carr, the next deponent, averred that he had received the message from Peter Sharp's care with the true seal defaced and salve substituted therefor. He also reported that he had ventured the observation that "somebody had been nibbling about that that did not Concerne them." Robert Harwood reported that he had seen John Gary "fingering the lawes" and that he had said "he would fain read them." Other witnesses who had passed on the letter and laws either testified that the seal had been broken or that salve had been used in its stead.

The officials of the Provincial government could, and did, bring the matter into Court and summon witnesses; but it is easy to infer that there would be nothing like such action, if any, afforded the conduct of private letters passed in such fashion from hand to hand. Possibly for this reason the few local missives preserved are free of reflections upon one's neighbors. Those addressed to correspondents in England are about the only letters that bear information concerning the politics, opinions, and performance of the people of the Province. The General Assembly of 1661 had passed "An Acte for Conveyance of all Letters Concerning the State and Publike Affairs." It provided that letters were to be sent from house to house "the direct way," until they should reach their destination. Each householder, upon the receipt of such a letter, was required to see that it was on its way to the next house within half an hour of its receipt, except at nightfall or in extremely bad weather where water courses were to be crossed.⁵⁶ In 1695, a public post was instituted from southern Maryland through Annapolis to Philadelphia; but even after this, in 1697, Governor Nicholson complained of the "great abuse" in "intercepting and Imbezzling peoples Letters in this Province."⁵⁷

From time to time, subsequently to the expansion of the colony and increases in its population, special orders were issued by the courts to take care of destitute persons. Frequently, the care of orphans and their inheritance came up for consideration. In 1659, it appeared, for example, that certain planters in Anne Arundel County were not living up to their obligations as guardians and trustees. It was ordered that the orphans' estates be taken out of the hands of these persons, as they had refused to "give an account upon oath."⁵⁸

Some thirty years later we gather from the usually tedious court proceedings the dramatic story of eleven year old Sarah Vanhart. Here we have an orphan child, an estate at stake, a conspiracy to marry the child to a tailor, and three unjust

judges. On the other side, we find a guardian aunt, a knight errant neighbor, who hears of the intended knavery, together with a number of planters who assist him in rescuing the child. In doing so the decree of the local court was defied and an appeal made to the Provincial Council. Sarah Vanhart, this orphan heroine of a true Maryland story, was left motherless in babyhood. Ten years later, her father, John Vanhart, of Cecil County, died, leaving her the sole heir of Vanhart's estate. Although the child was only about eleven years of age, Richard Burnet, described as "a Scotch fellow," took it upon himself to marry the girl to "one Stephen Coleman, a tailor," despite the fact that Burnet "was neither qualified by ecclesiastical or civil law so to do," and that he did it "without consent of guardian or other friends." Before this iniquitous proceeding was consummated, word was sent to Colonel Henry Coursey, then seated at the Chester River upon an estate which was known as the "Thumb Grant" of Lord Baltimore. Upon hearing the news, Colonel Coursey, with some equally disinterested friends of Kent County, took horse and attended the meeting of the Court that was to pass upon the fate of the orphan Sarah. Thither Mrs. Margaret Pope, aunt and guardian, brought the child. The judges sitting upon the case spent the day in argument; and Colonel Coursey went to James Frisby's for the night, whereupon "the Commissioners adjourned the Court about two miles further." This time they were out of reach of the child's chief defender; for the next morning it stormed, preventing Coursey's attendance. Two of the judges sought to protect the orphan; but the other three "would have her placed with she that was Thomas Hawker's wife who married Edward Jones and lies on the north side of Bohemia River—a very convenient place for the tailor to take her away into Pennsylvania." "These actings," wrote Coursey to the Provincial Council, "put the whole Court into tumult, the aunt crying after the girl, the girl after her

aunt, Justice Stevens pulling the girl, and she striving to get from him." At last, continues the narrative, the girl broke loose from out of the hands of the judge and "into her aunt's boat did go." Evidently the boat got promptly under way,—perhaps the crowd threatened to interfere,—and the girl was taken to a neighboring house whence she and her aunt were met by Colonel Coursey, who, in turn, took her to his own home for her greater security.

"Two days after," writes Colonel Coursey, came justices "Wroth and Stevens to my house to demand the child. I refused to deliver her, telling them I heard they were going to sell her to the tailor:" [that] Mrs. Pope told Wroth "in the open Court that he came to her and advised her to let the tailor have the girl, and he would be bound that the tailor should give her a discharge for that of the girl's estate that was in her hands, which is confessed to be 16,000 lbs. of tobacco." This effort to bribe Mrs. Pope to betray the orphan failed, and Colonel Coursey added that the recital did "move me so that I told him I could well afford to suspend him of being a magistrate for his misfeazance in his office. For that he, in being a magistrate to protect orphans and widows, went about to destroy them." The Colonel concludes his letter with the hope that the orphan will be "placed, for I only keep her till I hear from you; for I will not meddle with the bringing up any orphan or their estates, having trouble enough with my own." Then follows his counsel in the matter, in which, like Solomon, he declared the child should be awarded to the woman who showed the most love for her: "The tenderness," he wrote, "that I see in the aunt towards this girl persuaded me that there is no danger in letting her have the tuition according to our law; for she keeps one in the house on purpose to teach her and her own children."⁵⁹

In the Proceedings of the General Assembly, numerous references are made to the various meeting places of the pro-

vincial legislature. Very often the members gathered in private houses—and not always at St. Mary's City, especially during the period of the Puritan upheaval. At first a building given over to public business and public entertainment was termed a "towne house," or, as in an Assembly Act of May, 1666, "the Countrys house." In 1662, however, the colonists began to consider more adequate facilities not only for law-makers but lawbreakers; *viz.*, a State, or "Stadt," House for the former and a jail for "securing Mallefactors and other Exorbitant persons."

The task of providing such a house was, in a sense, assigned to one Hannah, "relict of Hugh Lee." Mrs. Lee, for due remuneration, agreed properly to equip the dwelling house upon her late husband's property. The widow, however, married her servant, William Price; and, getting into business difficulties, was herself thrown into "long and hard durance of Imprisonment."⁶⁰ Since Hannah had become thus disabled in person and estate, the Assembly of 1664 passed an "Act of Encouragement for William Smith in his undertaking the Country's work at St. Mary's," which meant that he was commissioned to construct a new building especially adapted for the transaction of public affairs, with an ordinary or tavern attached, and all the necessary appurtenances. Apparently, Smith was not equal to the task; since, at his request, he was formally released from his contract by the Assembly of 1666. The matter laid over during the period of economic depression and overproduction of the late sixties, but was again brought up in 1674. Already rivalry had set in between the new county of Anne Arundel and the "ancient" seat of government at St. Mary's, and a definite bid for the transfer of the government took shape in the proposal that there were "severall Persons of Qualitie in Anne Arundel County that will undertake to build a State house, Prison and Office at their own Charge" to be paid for when completed, to which there would be added,

gratis, "a House for his Excelency," Governor Calvert. The Anne Arundel offer was not accepted; and St. Mary's City was destined to remain the capital of the Province for some twenty years longer, when similar free offers of her own were rejected by the authorities who favored the new site at Annapolis.

Shortly after this rejection of the Anne Arundel proposal, the Assembly reached an agreement with Captain John Quigley; and one notes that, according to the original form of contract between the Assembly and architect Quigley, the latter agreed to construct the State House and the prison for three hundred thousand pounds of tobacco, "to be paid half when half done and the rest when quite finished;" and that he was "to finish all by the last of October come two years, or else to forfeit his work and fifty thousand pounds of tobacco." In addition, Captain Quigley was to "have the benefit of keeping the prison for seven years." Two days later, Quigley gave bond for fifty thousand pounds of tobacco for the fulfillment of the contract; but his fee was raised to three hundred and thirty thousand dollars," provided that "no part or parcel thereof" be paid him as "undertaker" until the work was completed.⁶¹ The specifications were as follows (modern spelling and punctuation):⁶²

The said State House to be built of brick or stone with lime and sand, and to be covered with slate or tile laid in mortar, and to be of these dimensions; vizt., the said State House to be two stories high and to continue in length forty five foot from outside to outside with a porch in front sixteen foot long and twelve foot broad in the clear on the inside, and a staircase over against the porch on the other side sixteen foot square in the clear on the inside. The first story of the said house, porch, and staircase to be twelve foot from the top of the floor which shall be paved with flat paving stone or brick to the lower side of the summer, and the second story to be nine foot in the clear from the upper side of the board to the lower side of the summer; the walls of the said house,

porch, and staircase to be built upon a good secure and sound foundation of twenty-eight inches thick from the bottom of the said foundation to the water table, which shall be three foot clear above ground and made shelving off, and the rest of the said story to be twenty-four inches thick up to the first floor; the walls of the second story of the said house, porch, and staircase to be nineteen inches thick up to the wall plate, and so from the wall plate to the breast of the windows of the garret at the gable ends, and from the breast of the said windows up to the point of the gable ends fourteen inches thick, only the said porch to have an arch in front six foot wide in the clear and eleven foot high to the keystone of the arch with two arches on each side above the bents and agate into the hall of five foot wide and ten foot high; the staircase to have a door to open out of the hall of the same dimensions and a private door to open into the garden of three foot wide and six foot high under the first half pace of the stairs, which stairs shall be half pace stairs six inches and a half rising and a foot in step for the first story and six inches rising and a foot in step for the second story, all to be made of good white oak quartered plank and a window upon each half pace; the inner doors of the first story of the said house to be four foot wide, eight foot high, as also the windows of the hall, which shall be eight in number, with double lights divided with a transom at two-thirds of the height of the said windows; the doors of the second story to be three foot and half wide and seven foot high and the windows of the said story two foot and half wide and five foot high with double lights to be divided with a transom at two thirds of their height, which said windows in the second story shall be eight in number as in the first story directly over the windows of the first story, besides one in the second story in the porch of the same dimensions with those in the chambers of the second story; that there be three partitions in the second story as the Governor shall direct the said partitions double lathed and plastered, the floors to be laid with quartered plank inch and quarter thick after planed, either good white oak or pine of this country, sawed while the turpentine is in them, the doors all battened with good substantial hinges, spring stock locks and latches, two iron casements to every window in the said house; the frames and casements to be well laid in linseed oil ac-

cording to art and glassed with good clear square glass; the summers and girders for the floors to be sixteen and twelve inches square, the joist six and four inches square standing twelve inches asunder; the wall plates all round the house, porch, and staircase to be twelve and seven inches square; the rafters eighteen foot and half long, standing twelve inches asunder with six pair of principals and double purloins framed in even with the rafters and to be mortised in and every pair of principals to be braced in, and every pair of rafters to have two buttoned braces to the collar beam, every pair of principals to be ten and eight inches square; the purloins six inches square, the small rafters four, and three inches square to be topped with mortise and tennant and pinned at head and hip tenanted at the foot; the laths for the tile of heart of white oak and one inch thick; the principal rafters of the porch and staircase to be seven and five inches and the feet of the rafters to jet over a foot and half on each side with baseboards at the gable ends and piramedes; the whole house to be well plastered within and the roofs well sealed and the walls well pointed without with good lime.⁶³

After formally stating when the building was to be finished, inspected, and paid for, there was added the notation:

Provided always that the said John Quigley carry the roof of the upper stairs of the statehouse of sufficient height that there may be convenient landing and head way at the top of the stairs.⁶⁴

CHAPTER XII

THE PURITAN RÉGIME

SINCE the narrative of the first years of the Province has, at times, been interrupted by the consideration of important topics requiring extended discussion, it seems desirable to offer a brief review of the principal events after the founding of St. Mary's City. In the beginning, Leonard Calvert's régime was menaced by the hostile attitude of the "popular" faction in Virginia who insisted upon the territorial claims of the older colony. In particular, these claims were voiced by Captain William Claiborne, trader and planter on the Isle of Kent. The conflict with Claiborne and his following might well have resulted in initial disaster but for the friendly offices of Governor Sir John Harvey and his Council.

Scarcely had the first phases of the Claiborne war been ended with the eviction of the Virginian and the "reduction" of Kent than the trouble with Ingle ensued, resulting in the temporary eviction of Governor Calvert himself. The "restoration" of the palatinate followed in quick order, together with the second eviction of Claiborne, who had seized the opportunity to renew his holdings in the upper Chesapeake. Throughout this period, also, there were brewing the difficulties with the Jesuits and their claim to lands derived through Indian grants. In addition, the Ingle expulsion introduced economic ills, notably the dangerous disputation over the debts due to the troops employed.

After the death of Leonard Calvert in 1647, there followed the short administration of Thomas Greene. Greene, who had also been acting governor during Calvert's sojourn in

England, had given Captain Cornwallis a free hand to wage a successful campaign against hostile tribes to the northward; but in almost everything else he appears to have blundered. In short, lacking tact or sound judgment, he lost control. Thereupon William Stone, a Protestant of Virginia, was appointed Governor, in place of Greene, who was a Catholic and Maryland colonist. The change was ordered by the Proprietary, who simultaneously reorganized the Council, allowing them a majority in that body, which the Protestants already had in the House of Burgesses. Evidently Stone was appointed in the knowledge that he was in happy agreement with the policy of Lord Baltimore as to the maintenance of religious liberty and the separation of church and state. Nevertheless, the Proprietary felt it advisable to require the new Governor to make formal oath "not to molest or discountenance any person or any form of Christian faith for, or in respect of, religion," to which was added a clause specifically protecting Roman Catholics from persecution. Previously, in the colony established and carried on by those in sympathy with the broad designs of Lord Baltimore, these matters were tacitly understood rather than openly set forth or written down. Certainly, according to Captain Cornwallis' letter to Lord Baltimore, "*securitie of contiens*" was a principal consideration in the minds of the first settlers.

In England, during the Civil War, Parliament claimed control of Maryland without having the power to enforce its claims. "In 1643," says Eggleston:

Parliament, dominated by Puritans, could not let the distant Maryland Province rest in peace. It passed an ordinance making the Earl of Warwick Governor-in-Chief and Lord High Admiral of all the plantations in America. This act contained covert allusions to papists, Spaniards, and governors recently appointed by the King. Baltimore met the rising tempest in a way characteristic of him. If he could settle a portion of his province with Pur-

itans they might serve to shield him from the storm. Besides, the Roman Catholic emigration had not proved large, and his province needed inhabitants. He wrote to a Captain Gibbons, of Boston, sending him a commission under the Maryland government, and offering "liberty of religion and all other privileges" to such of the New England people as were willing to remove to Maryland. There were those in New England in that day who longed for a more genial climate, but to settle under the authority of a papist was to them much like pitching a tent on the confines of perdition.¹

Eggleston's summary is probably correct, supposition and all; on the other hand, it may be misinterpreted to mean that Lord Baltimore sought Protestant settlers only when a politico-religious storm was imminent, in an effort to temper its effects. Naturally, the material development of the Province was a prime interest with Cecil Calvert, as it had been with his father in the case of the projected settlement at Avalon; and it may be said that while the establishment of religious toleration represented an ideal, it was also Lord Baltimore's practical plan as a means to an end. Although the historian may not, with certainty, pass upon human motives, an impartial examination of available evidence appears to give the Calverts the credit for upholding liberal principles above commercial considerations.*

In the presentation of American history, not a few otherwise careful writers have fallen into the habit of dwelling upon the ideals of the first immigrants of this colony or that one, to the exclusion of the more practical objectives. Particularly has this hagiology been elaborated and reiterated in the case of the settlers at Plymouth. Undoubtedly, the "Pilgrims" had high ideals and they are to be honored for them; but they were, nevertheless, mortal; and one of the reasons

* The popular "psycho-analytical" biographer "enters his subject's mind and reports what he finds there," resorting to "invisible italics, the involuntary emphasis of the biographer which springs from his emotional, intellectual, religious, economic, political, social, and racial prejudices,"—Bernard DeVoto, *Harper's Monthly Magazine*, February, 1933.

they themselves assigned for making a change of abode was "to better their condition," which utilitarian purpose is usually ignored or omitted. Without undue emphasis, it should likewise be recognized that the founders of Maryland had ideals, one of which at least represented a more advanced conception than any that animated the Separatists. Hence, if it be properly admitted that Lord Baltimore was actuated by self-interest, he did not allow himself to be swerved from his two-fold plan which alone could ensure freedom from the then universal violence of religious disputation. For this idea or ideal he was prepared to sacrifice everything, regardless of the opposition of individuals, or of groups; or the ecclesiastics of any church, including his own. And the glory which is his may be shared by Charles I, who granted the Charter, together with the early settlers who supported this plan, whether it be regarded as an eminent ideal or an eminently practical idea.

If we examine our school text-books we find that idealism is rarely accorded a place in the counsels of the founders of Maryland although that is the motive exclusively assigned to the Separatists. In the matter of religious freedom, the priority due to the Calverts is awarded to Roger Williams, or to William Penn. In short, the Plymouth colony was of the spirit, spiritual; that of the colonies in Virginia and Maryland of the earth, earthy. The histories should complete their picture by stating that the Pilgrim Fathers departed for America not only to be free to worship God in their own way and repatriate themselves under the British flag, but with a view to avoiding participation in an impending war between the Netherlands and Spain. The constant "beating of drums" that they themselves recorded hearing announced the approaching end of the truce between Spain and the Netherlands. If war came, they would necessarily be involved in the combat.²

As far as it affected the colonization of Maryland, the invi-

tation to the New England Puritans was merely an unfruitful incident; but the bid which was extended to the Puritans in Virginia resulted in an important influx of population, leading directly to many events of moment. Judging from the rebuff given him in Massachusetts and the intensity of prejudice entertained by the Puritans, it would seem that Cecil Calvert blundered in his open welcome to people so entirely out of harmony with the ideas promoted in Maryland. Immediate events would seem to justify this conclusion. On the other hand, it may be said that whatever were their shortcomings in liberality of spirit and belief, the Puritans were sturdy and virile; they brought with them a spirit of independence and a self-confident individuality that, in the end, made for reaction against their domineering spirit. Whatever the outcome, it seems clear that Lord Baltimore sincerely offered a refuge to men and women of all faiths in the belief that the majority of the variant groups would adapt themselves each to the others for their common welfare. Above all, he hoped, under the terms of the Charter, to be able to continue to direct the government of the Province, so as to bring these things to pass. This may justify his attempt in 1649-'50 to renew his original claims to the right to initiate legislation. He indicated that if he could secure the passage of the "sixteen laws" sent over by him in the exact form he framed them, religious and civil troubles could and would be avoided; that the Jesuits would be restrained in their efforts to secure temporal concessions under the government; and that Catholics, Puritans, Anglicans and all would learn to recognize that peace would conduce to the benefit of all alike.

The growth of the Puritan colony in Virginia had attracted the hostility of the choleric Anglican-Royalist, Governor Berkeley. In any event, Berkeley upheld the authority of the Crown and the Anglican Church after both had fallen in Great Britain. The more successful the Parlia-

mentarians were in England, the more determined was Berkeley to maintain the Royal cause in Virginia. "The Virginia Puritans," says Eggleston, "had no choice but to suffer or depart, and Maryland was convenient." There they were offered a refuge, freedom of conscience, and equal civil rights under the protection of a proprietary ruler "who was a papist and who practiced toleration,—two things almost equally hateful to the Puritan."³

It has been noted that, almost at the beginning of successful English colonization in America, the great Anglican layman and leader of the Virginia-London Company, Sir Edwin Sandys, had invited the Separatists in the Netherlands to Virginia, and that by chance the course of the *Mayflower* had been deflected to the coast of New England. Sandys, like the Calverts, was a practical idealist; and he had preceded the latter in encouraging, more or less secretly, the immigration to Virginia of English Puritans. The first group of Puritans emigrated to Virginia in 1619, a year before the sailing of the *Mayflower*, and their leader, Captain Christopher Lawne, was a member of the first Virginia House of Burgesses, which sat in August of the same year. In 1621, Edward Bennett, a merchant of London, settled additional Puritans on Lawne's land and received special credit therefor from the Virginia-London Company. His nephews, Robert and Richard Bennett, were placed in charge, and it is the latter who afterwards took so prominent a part in Maryland affairs under the Puritan régime. William Bennett, a relative, became the first minister of the colony. Other Puritan groups settled on adjoining lands and, despite heavy losses in the Indian massacre of 1622, increased in numbers and influence, as shown by the fact that in 1629 they were sending four Burgesses to the Virginia Assembly. In 1642, however, at about the time their numbers had so increased as to need the services of additional ministers, whom they secured from Massachusetts, Governor Berkeley arrived in Virginia.

It was not long before this staunch loyalist bestirred himself to suppress these dissenters, as much, doubtless, for political reasons as on account of religious differences. Hitherto, the Virginia Puritans had enjoyed political liberty and certainly considerable freedom; but in 1643, Berkeley, representing the danger of entertaining this disaffected element in the colony, persuaded the Burgesses to pass an act of conformity to the doctrines of the Anglican communion. The New England ministers returned to Massachusetts Bay; but Berkeley reported that, although the formal church gatherings of the local Puritan ministers were broken up, "the people resorted to them in private houses to hear them as before."⁴

As this persecution of the Puritans took place just before the second great Indian massacre in Virginia, the New England clergy were quick to proclaim that this calamity presented a striking example of the just judgments of Jehovah. Despite Berkeley's efforts to suppress them, the Puritans gained converts through the zeal and exceptional personality of Thomas Harrison, the Governor's former chaplain, who had become the most active of their ministers. Richard Bennett and William Durand were banished and sought refuge under the Calvert banner—a remarkable exchange on the part of that Province for the refuge previously afforded in the older colony to Leonard Calvert; and, subsequently, to Margaret and Mary Brent.

At the solicitation of Bennett and Durand, Governor Stone, in accordance with Baltimore's ever consistent attitude, issued further invitations to the Puritans of Virginia to settle in Maryland. A number accepted in the spring and summer of 1649; and, during the following year, the greater part of a group of some three hundred souls settled at "Providence" on the Severn, near the present site of Annapolis. Here they were granted a large tract of land and not merely toleration, but equality of civil rights. This is well illustrated

by the fact that, in the first General Assembly held after their arrival in the Province, one of them, James Cox, was elected Speaker.

Under the new arrangement, harmony had obtained; and there were definite efforts made by the Protestant majority in the Assembly to allay malicious rumors that were being circulated in the Province intended, doubtless, to arouse interference on the part of the Parliamentary party in England. These efforts of the Protestants are best illustrated in a public "Declaration" issued by them in which they took particular pains to proclaim that they were enjoying "all fitting and convenient freedom and liberty in the exercise of our religion, under his Lordship's government and interest." At the time there was probably no immediate intention of the Cromwellian government to take hold in Maryland, for Lord Baltimore had hastened to recognize the ascendancy of the Parliamentary party some time before the actual execution of the King. In fact, because he visibly adhered to the rebels in England, and admitted all kinds of sectaries and ill affected persons into his plantations, Charles (II) annulled his charter and appointed the soldier-dramatist, Sir William Davenant, a recent convert of the Roman Catholic church, Governor of Maryland. Davenant set out from France in 1650 with the intention of doing what he could for his royal master; but he was captured in the Channel by a vessel of the Parliamentary party. By a curious coincidence, this royal appointee, who aimed to overturn the Calvert Proprietorship, was detained at Cowes whence the Maryland colonists had set sail seventeen years before; while his commission had been issued from the Isle of Jersey, which alone remained faithful to the Crown.*

* With reference to the "Maryland 'Governor' who Never Governed," B. Howell Griswold, Jr., observes in the *Maryland Historical Magazine*, Vol. XXVIII, that he was: "A playwright (the most popular of his day) who first introduced the word 'opera' to the English language, and scenery and women to the English stage; and last but not least, a prisoner whose life was saved by the poet Milton, and a poet

When the news reached Maryland that Charles I had been executed and that the monarchy had given place to the Commonwealth, Governor Stone was absent from the Province; and Thomas Greene, his appointee as vice-governor, following the example of Governor Berkeley, proclaimed Charles II as the lawful sovereign. This proceeding was soon set aside by Stone and repudiated by the Proprietary; but damage had been done, and a basis for hostile action provided, particularly among the Puritans at Providence.

When London learned of the defiant proclamation of Governor Berkeley of Virginia in favor of Prince Charles, followed by the unauthorized declaration on the part of deputy Governor Greene of Maryland, the Parliamentary government made preparations to reduce to obedience both colonies. In 1651, an Act was passed by Parliament, authorizing an expedition to effect that object. In the meantime, Lord Baltimore, indefatigable in laboring for the preservation of the freedom of his Province, offered indisputable proof of his support of the Parliamentary cause. Especially did he call attention to the "Declaration" on his behalf by the Maryland Protestants. Therefore, though originally mentioned, along with Virginia, as a rebellious province, Maryland was not specifically included in the letter of instructions to the Commissioners appointed "to reduce all plantations within the Bay of Chesapeake," a phrase which, in far-off America, was afterwards interpreted to include the Proprietary Province.⁵

Unfortunately for Maryland, the two Commissioners who in person received these instructions were lost at sea. The

who in turn saved the life of the prisoner Milton." On that passage in Sir William Davenant's Commission granting him political powers, Mr. Griswold comments: "The document, as originally drafted, specifically denies any intent 'to prejudice the rights of the Proprietary in the Soyle.' But there is an insertion (on the side of the document) referred to by an asterisk; which states emphatically: 'This clause includes Soyle and all.'"

other members appointed were Richard Bennett, ardent Puritan of Providence, late of Nansemond, Virginia; and Captain William Claiborne, both of whom were on the American side of the Atlantic. Captain Curtis, in command of the *Guinea*, who completed the voyage, had in his possession a copy of the written terms. Here, it would seem, was Claiborne's golden opportunity not only to reoccupy Kent Island, but to seize control of the entire Province and plunder his former opponents. That Claiborne lost no time in re-occupying the Island was to be expected; on the other hand, that he did not seek vengeance at the expense of the Proprietary and especially of those who had outlawed him and his adherents, indicates a remarkable measure of restraint, the more particularly when we consider the usual procedure of those days.

Commentators on this period have drawn many remarkable conclusions as to the purposes and beliefs of those concerned. In Virginia, Governor Berkeley and his fellow loyalists were heartily for resistance to Parliament, even if it involved war with the British government, and they had gone so far as to man some Dutch ships then on the James River, the captains of which were friendly to the Virginians, with whom they had carried on a mutually profitable trade that had been forbidden by Parliament. But there was an element that sought or demanded opportunity to discuss the issue with the representatives of the new government. Hence, the Virginia Burgesses were assembled and negotiations begun, with the result that articles of surrender highly favorable to the Virginians were agreed upon, from which it may be readily surmised that the influential Claiborne played a prominent part in the proceedings. Besides, Claiborne and Bennett had been appointed Commissioners under the new régime; and the articles were signed by Curtis, Claiborne, and Bennett. Under the terms of the agreement, the formal submission was to be regarded as voluntary. As it bore upon

the creation of Maryland, the fourth article is of especial interest and significance; *viz.*, "That Virginia shall have and enjoy the ancient bounds and limits granted by the charters of the former Kings, and that we shall seek a new charter from the Parliament to that purpose against any that have intrenched upon the rights thereof." Thus those Virginians who had resented the annulment of their ancient charter and the dissolution of the Virginia Company under James I apparently wrote their own terms in this article.⁶

These things having been accomplished, the Parliamentary Commission, under command of Captain Curtis, and accompanied by Commissioners Bennett and Claiborne, next proceeded to Maryland, where the government had already declared for Parliament. When, therefore, the Commissioners reached St. Mary's, they merely demanded formal acknowledgment of the authority of Parliament, so that Governor Stone and his council "might remain in their places," conforming themselves to the laws of the Commonwealth of England, and not by way of "infringing the Lord Baltimore's just rights," a phrase which might mean anything, in accordance with its subsequent interpretation. The terms of the "submission" went on to state that all writs and warrants should be issued in the name of the Keepers of the Liberty of the People of England. To this Governor Stone refused assent on the ground that it violated the rights of the Proprietary; and that while he had acknowledged the authority of Parliament, the king himself had not claimed or exercised the prerogatives now demanded; and that the issuing of writs and warrants belonged to the Proprietary by the terms of the charter. Whereupon, according to Langford's contemporary testimony, the said commissioners demanded of Captain Stone the Lord Baltimore's commission to him; which he showed them; and then, without any other cause at all, they detained it." In the meantime, the government of the Province was placed in the hands of a

Council consisting of Robert Brooke, Esq., Colonel Francis Yardley, Mr. Job Chandler, Captain Edward Windham, Mr. Richard Preston, and Lieutenant Richard Banks, two of whom, Brooke and Chandler, had been members of the Council appointed by Lord Baltimore.

Having thus formally "reduced" Maryland, the Commissioners returned hurriedly to Virginia, where Bennett was elected Governor of that colony by vote of the House of Burgesses and William Claiborne, Secretary of State, while "awaiting the further pleasure" of the government of the mother country. A few weeks later, or at the end of June, 1652, Bennett and Claiborne returned to Maryland to complete the reorganization of the government of the Province, the arrangement of March 29 having been admittedly of a temporary character.

It may be readily imagined that those who had taken part in the several indictments drawn up against Claiborne now feared the worst—doubtless recalling the doings of Captain Ingle when that Parliamentary partisan had revisited the colony. In lieu, however, of confiscations, retributions, plunderings, or bloodshed, unexpectedly conservative proceedings followed. Captain Stone was reinstated in office with the old council, excepting Windham and Banks, who were replaced by former Secretary Hatton, the loyal friend of Lord Baltimore, and Captain John Price. The Parliamentary instructions as to the issuance of writs and warrants were maintained; but, to save the dignity of the Governor and avoid an appearance of supine surrender on his part, explanations were publicly offered by Bennett and Claiborne that there had been "some misapprehension or misunderstanding" in the matter; and that Captain Stone was "content to reassume his former place" on condition that he "reserve and save to himself, as also to the aforesaid Mr. Thomas Hatton, Robert Brooke, Esq., and Captain John Price, their oaths made to the Lord Baltimore, lord pro-

prietor of this province, until the pleasure of the State of England be further known." The proclamation of January 28, as issued by Bennett and Claiborne, contains several points of special interest; for example, it was particularly declared that it was not only by the "motion and request of the aforesaid Commissioners," but also at the "desire of the inhabitants, that Captain Stone should reassume his former place as Governor." And the Commissioners concluded their proclamation with the statement that, "since the government is so settled, as is known to be to the good liking of the inhabitants, it is conceived, for that and several other reasons, that there is no absolute necessity for a General Assembly at present." In regard to Kent and adjacent islands, originally claimed by Claiborne, the records are silent; but in the terms of a treaty made with the Susquehannock Indians, it is significantly stated that Kent and Palmer's Islands belonged to William Claiborne.⁷

Having thus, as one of the Parliamentary Commissioners, arranged matters in Maryland, Claiborne seems to have retired to his estate in Virginia and to his duties as an official in the government of that colony. Bennett, however, although he was now Governor of Virginia, remained in Maryland. At a specially summoned meeting of the Court, with Governor Stone presiding, Bennett saw to it that certain affairs should be settled in the Province of Maryland under his immediate supervision. The first of these matters concerned the Puritans on the Severn river as to protection against the Indians. A commission to negotiate with the Indians was created. This was composed of "Richard Bennett, esqr., Mr. Edward Lloyd, Captain William Fuller, Mr. Thomas Marsh, and Mr. Leonard Strong, or any three or more of them, whereof Richard Bennett, esqr." was necessarily "to be one." This treaty committee was composed of Puritans already settled at Providence in the newly-created county of Anne Arundel. Seven days later, the treaty was

negotiated with the Susquehannocks "at the river of Severn," by the terms of which the Indians gave up, with minor reservations, a great territory extending "from the Patuxent river unto Palmer's Island on the western side of the Bay of Chesapeake, and from the Choptank river to the northeast branch which lies to the northward of Elk river." No western bounds were set to the cession; and there was included a provision guaranteeing the return of fugitive slaves or servants fleeing from either party to the other.*

Although it was declared in the body of this covenant that "the articles were solemnly and mutually debated," the document, as drawn up, was probably not made very intelligible to the natives. It was signed by Richard Bennett, Edward Lloyd, Thomas Marsh, William Fuller, and Leonard Strong. The Indians, including one designated in the treaty as "*treasurer*," signed thereafter. The name of the signatory Indians were given as Sawahegeh, treasurer; Aurotaurogh; Scarhuhadigh, Ruthcuhogah, and Wathetdianeh. They were described as War Captaines and Councillors of Sasquehanogh, Commissioners appointed by the Nation and State of Sasquehanogh;" thus they appear to have gained somewhat in titles what they gave up in the way of territory. In addition, this document bears the signatures of William Lawson, and Jafer Peter—"for the Sweades governor." Presumably, the Swedes were either called in by the Indians or by the Puritans, or by both, as referees; or possibly the Swedish colonists demanded representation in the proceedings to safeguard their claims on the Delaware, where they had settled within the bounds of Lord Baltimore's patent and where they had been in evidence since 1638.

During the time he was acting as Parliamentary Governor of Virginia, Bennett maintained the closest affiliations with

* This last provision, subsequently passing into Federal law under the Constitution of the United States, was destined to engender bitter feelings. At first customary and familiar in all the colonies, it came to have a sectional connotation only.

his Puritan brethren in Maryland, and apparently he sought to aid the latter in gaining control of the Province. He may have wished to unite under himself the government of both colonies; but the argument of all those in England or America who, for one reason or another, sought at this time to unite the two colonies were ably met by Lord Baltimore in his "Reasons of State concerning Maryland in America",—one of which is of especial interest in the post-boom efforts of the third decade of the twentieth century,—to reduce the cost of government and the multiplicity of offices:

By the continuance of his [the Proprietary's] interest in the government thereof, this Commonwealth, and the people there, are eased of the charge of a Deputy Governor, which he, at his own charge maintains; the inhabitants being yet so poor (and so likely to be for many years) as that they are not able to contribute anything towards it.

From the time that Parliament and the Keepers of Liberty seized power, the status of Lord Baltimore was uncertain. In the Province, the Puritans in particular began to take up lands without regard to the charter rights of the Proprietary. A proclamation issued December 18, 1652, by Governor Stone had little effect in ending what he cautiously termed a condition likely to "produce much confusion and inconvenience." This condition of uncertainty imposed a great hardship upon the older settlers. None knew to whom on the morrow he would owe allegiance. To add to the difficulties, there was an exceptional stagnation in trade from March to November of that year, war with the Dutch then being sharply waged in the English Channel. Throughout this period the colonists learned but slowly of the various political changes taking place in England; that, for example, Oliver Cromwell expelled the members of the Long Parliament by "a file of musqueteers;" and that in their place he summoned the body which sat for but five months and went down into

history as the "Praise-God Barebones Parliament," so-named in honor of a leather-lunged exhorter, who was also a leather seller of Fleet Street, London.

Lord Baltimore, however, seized the first opportunity to reassert his proprietary rights in Maryland under the Cromwell régime as he had held them under that of Charles I. In pursuance of his purpose he sent orders to Governor Stone to issue a proclamation calling upon all who had irregularly taken up lands to take the oath of fidelity and legalize their patents under the usual processes. There seems to be no question of Governor Stone's loyalty to the Proprietary or of his willingness to serve him. Perhaps the Governor might better have temporized, as he did at the beginning. Bozman asserts that since "his Lordship and his governor had now resolved that things should be reinstated as they were prior to the reducement, it became necessary that the councillors should qualify themselves again under their former oath. This oath contained a clause, wherein he, who took it, swore that he would not directly or indirectly molest or discountenance any person in the province professing to believe in Jesus Christ, and in particular no *Roman Catholic*, for, or in respect of, his religion. This, in the language of the Puritans 'was in plain words to countenance and uphold anti-Christ;' and hence, as from fresh fuel, blazed forth civil war and bloodshed in the province."⁸

These orders gave rise to a crop of hostile rumors which were taken up with avidity by the Puritans of Providence; and the things already done lost nothing in the recital. Governor Stone's proclamation accusing the Puritan element of promoting sedition and rebellion against Lord Baltimore, while largely, if not wholly, true, was perhaps impolitic and ill-advised. This was the pretext seized upon by the Providence Puritans to send for Bennett and Claiborne to take Governor Stone to task for rebellion against the Commonwealth. Acting, therefore, under their old authority, now

presumably abrogated or at least not sanctioned by Oliver Cromwell as Lord Protector, Bennett and Claiborne reappeared upon the scene. According to their report, they "applied themselves to" Governor Stone, but the latter and his Council returned "only opprobrious and uncivil language" and sought to surprise and capture them. Governor Stone, however, agreed to submit, as he had done in 1652, to a group of "Commissioners," who stipulated that the procedure was done "under his Highness, the Lord Protector" instead of in the name of the "Keepers of Liberty" of the Commonwealth. Hence, at Patuxent river in the Province of Maryland, the 22nd day of July, 1654, a declaration was issued "for the conservation of the peace and public administration of justice to Captain William Fuller, Mr. Richard Preston, Mr. William Durand, Mr. Edward Lloyd, Captain John Smith, Mr. Leonard Strong, Mr. [John] Lawson, Mr. John Hatch, Mr. Richard Wells, and Mr. Richard Ewen, or any four of them, whereof Captain William Fuller, Mr. Richard Preston, or Mr. William Durand to be always one, to be Commissioners for the well ordering, directing, and governing the affairs of Maryland," etc.⁹

The story of the ensuing negotiations is long and tedious. Suffice it to say the Puritan Commissioners took charge and eventually summoned the General Assembly (October, 1654) in the election of which no one should have a vote or be a candidate who had "borne arms of war against the Parliament or do profess the Roman Catholic religion." The leaders of this new régime reverted to the unicameral system when the legislature was convened on the 20th of October, *not at St. Mary's, but "at Patuxent,"* in the house of Mr. Richard Preston, who became its Speaker. The Commissioners, who had called the Assembly, were returned as Burgesses, together with seven others. Two of the latter were Thomas Hatton, former secretary, and Job Chandler, former councillor. These two had been elected by the Protestants of St.

Mary's County, the Roman Catholics having been declared ineligible for office or franchise. In view of the fact that the Assembly had begun its sessions with the utter repudiation of the Proprietary, Hatton and Chandler refused "to sit and act as Burgesses in respect [that] they, the said Thomas Hatton and Job Chandler, have taken oath to the Lord Baltimore." Thereupon the Assembly promptly directed that the Sheriff should be empowered to order a new writ for the election of Burgesses in St. Mary's County; and Arthur Turner and John Wade were returned by "unanimous consent."¹⁰

After proceeding to establish the authority of the Commissioners and that of the Assembly under the Lord Protector as against any other authority whatsoever, these Burgesses of 1654 passed an "Act Concerning Religion" annulling the toleration that had obtained since the founding of the colony. After certain general references to "liberty," it proceeded to say that no one who professed and exercised "the Popish religion, commonly known by the name of the Roman Catholic religion, can be protected in this Province." The act further stated that "liberty" was not to be extended either "to popery or prelacy," thereby also denying freedom to the Anglicans. An additional clause of a general character was added which made it unlawful for any "under the profession of Christ" to "hold forth and practice licentiousness" of any kind—a broad provision that made it possible for Puritan magistrates to proceed against any dissent, by methods not unlike those of their fellow-religionists in Massachusetts. To the Puritan, religious liberty meant religious license, or licentiousness; and one of their leaders sententiously declared "poly-piety" to be the "greatest impiety in the world." So Torquemada thought, in effect, and those who supported the Inquisition. Similarly, Urian Oates, fourth President of Harvard College, denounced toleration as "the first-born of all abominations." In short, history seems

to show that for several centuries by far the larger proportion of good men high in the councils of church and state were genuinely convinced that to allow free expression to religious opinion would induce a condition of anarchy in temporal as well as spiritual affairs. Hence it is all the more reason why the Founder of Maryland and those associated with his purpose should receive their due meed of praise as the proponents and practitioners of a new order.¹¹

After reenacting, with modifications, a number of the laws of previous Assemblies, the Burgesses added sundry new ones. They made provision for assembly elections every three years, after the manner of their fellow countrymen in England, together with acts aimed at drunkenness, swearing, licentious conduct, slander, and profanation of the "Sabbath day." It is noticeable, however, that the Maryland Puritans were not as severe in their penalties for infractions of these rules of conduct as their brethren in Massachusetts. Moreover, the list of offenses was not as long. It was ordered that "no work shall be done on the Sabbath day," and that there should be "no Inordinate Recreations; as fowling, fishing, hunting, or other, no shouting of Gunns . . . except in Case of Necessity."¹²

The Assembly outlawed the claims of the Lord Proprietary; and, although it asserted the right to proceed under the provincial Commissioners, whose acts were authorized, as they alleged, by Cromwell, credit should be given them for absolving themselves from the charge of fomenting a political revolution for private gain, in that there was no general cancelling of debts. This matter was covered in the following enactment: "That all suits, actions, and trials that had dependence in any court or courts of judicature in the Province before the reducement of England shall receive no damage or discountenance by reason thereof, but shall remain effectual to all intents and purposes in law as if there had no such alteration been."¹³

Towards the close of January, 1655, the *Golden Fortune*, Captain Tilghman in command, is mentioned as having arrived in Maryland. With Tilghman came important news and sundry messages from the Lord Proprietor and the Lord Protector. It was learned that the Lord Protector, in whose name the Puritans had overturned the provincial government, had deprived the Proprietary neither of his patent nor of his land; that Lord Baltimore had heard what had happened in Maryland and had seized the earliest available occasion to rebuke Governor Stone for yielding to the Commissioners without striking a blow in his defense; that in regard to the boundary disputes between Maryland and Virginia, Cromwell, as Lord Protector, wrote to Governor Bennett in sharp reproof for having "gone into Lord Baltimore's plantation and countenanced some of the people there in opposing the Lord Baltimore's officers," and for "disturbing the Lord Baltimore, or his officers, or people in Maryland." Bennett was directed "to permit all things to remain as they were . . . till the said differences above mentioned be determined by us here, and we give further order therein."¹⁴

Stung to action by the reproof of the Lord Proprietary, Governor Stone bestirred himself to reassert his authority—not only in the name of the Proprietary but also in that of the Lord Protector. Gathering, therefore, a force of about one hundred and thirty men, Stone proceeded by land and sea towards the Puritan settlements at Patuxent and Providence. The Puritans vehemently asserted that his progress was attended by threats of slaughter and marked by widespread destruction of property. On the other hand, a somewhat involuntary witness, just arrived from England, Dr. Luke Barber, declared that the Governor had first dispatched him with a letter to the people of Providence protesting that the Governor "came not in any hostile way to do them any hurt, but sought all means possible to reclaim them by fair means;" and "to my knowledge," added Barber, "at the sending out



ANNE ARUNDELL, WIFE OF CECIL CALVERT, SECOND LORD BALTIMORE

of the parties, he gave strict command that if they met any of the Anne Arundel men, they should not fire the first gun, nor, upon pain of death, plunder any." Judging by the testimony of Barber, who gives the impression of presenting a straightforward account; and by the previously demonstrated conciliatory character and acts of Governor Stone, it is doubtful if that official sought to provoke an open conflict. It seems fair, therefore, to accept his not unsupported statements as being close to the facts in the case.

On the other side, it would seem that, despite the indignant denials of their documentary champion, Leonard Strong, the Puritans were not averse to fighting, especially as it happened they could call upon heavy reinforcements from outside. It is evident that neither side was disposed to trust the other, and an armed clash was, perhaps, inevitable. Captain Fuller, leader of the Puritans, had at hand an ally in Roger Heamans, master of the *Golden Lion*. Heamans offered Captain Fuller his services and those of his crew, together with the heavy guns of his ship. Heamans was seconded by a Captain Cuts, of New England, master of another armed vessel then in the neighborhood.

Governor Stone had moved his eleven or twelve small gunless craft up Herring Creek, where they were effectually hemmed in by Captain Cuts on the night of March 24, 1655. On the morning of the twenty-fifth, which happened on Sunday, the first day of the year, old style, Captain Stone drew up his men on the shore. Passing over the conflicting and irreconcilable statements as to who actually fired the first shot when the rival forces met, Governor Stone's force was attacked by superior numbers on the land side and assailed from the sea by the guns of the *Golden Lion*. Upon this double assault, the combat resulted in a complete triumph for the men of Providence.*

* As between opposing forces of Englishmen, this was the first armed clash, *by land and sea*, in British America. It was decided by preponderance of "sea power."

Leonard Strong's description of the first onset is picturesque, smacking of English custom and feudal warfare:

Then the word was given: "In the name of God, fall on! God is our strength"—that was the word for Providence. The Marylanders' [sic] word was "Hey for Saint Maries!" The Charge was fierce and sharp for the time; but through the glorious presence of the Lord of Hosts, manifested in and towards his poor oppressed people, the Enemy could not endure, but gave back; and were so effectually charged home, that they were all routed, turned their backs, threw down their Arms, and begged mercy. After the first volley of shot, a small Company wounded divers of our men, but were soon beaten off. Of the whole Company of the Marylanders there escaped onely four or five, who run away out of the Army to carry news to their Confederates. Captain Stone, Colonel Price, Captain Gerrard, Captain Lewis, Captain Fendall, Captain Guither, Major Chandler, and all the rest of the Councillors, Officers, and Souldiers of the Lord Baltimore, among whom, both Commanders and Souldiers, a great number being Papists, were taken, and so were all their Vessels, Arms, Ammunition, provisions; about fifty men slain and wounded. We lost onely two in the field; but two died since of their wounds.¹⁵

Although quarter had been promised to all who surrendered, the Puritan leaders sat in judgment upon the prisoners and condemned ten to be executed—details omitted by Strong. These, however, are supplied by Barber as follows: "After the skirmish, the Governor, upon quarter given him and all his company in the field, yielded to be taken prisoners; but, two or three days after, the victors condemned ten to death, and executed foure, and had executed all, had not the incessant petitioning and begging of some good women saved some, and the souldiers others; the governor himself being condemned by them and since beg'd by the souldiers; some being saved just as they were leading out to execution." Few individuals of Governor Stone's force escaped capture; and, although but four were

executed, the property and possessions of the remainder were, for the greater part, levied upon or confiscated.¹⁶

The triumph of the Puritans in Maryland was not unalloyed with misgivings. Having learned of the rebuke administered to Governor Bennett and the Commissioners by Lord Protector Cromwell, they endeavored to cover up the sanguinary details of the encounter on the Severn. Mrs. Stone was not allowed to see her husband, despite the fact that he was wounded; and dispatches were promptly sent to England, presenting a favorable report of the affair from their standpoint. Besides their more or less official accounts, one of their number, Leonard Strong, prepared a notable paper on the occurrence, to which reference has been made. This, in turn, brought forth a vigorous and comprehensive reply by John Langford, entitled "A Retutation of 'Babylon's Fall'."

The Jesuit missionaries were driven from Maryland to seek refuge in Virginia. Their experiences, subsequently to the defeat of Governor Stone, are described in their Annual Letter of 1655-'56: "Rushing into our houses, they [the Puritans] demanded for death the imposters, as they called them, intending inevitable slaughter to those who should be caught. But the Fathers, by the protection of God, unknown to them, were carried from before their faces in a little boat; their books, furniture, and whatever was in the house, fell a prey to the robbers. With almost the entire loss of their property, private and domestic, together with great peril of life, they were secretly carried into Virginia; and in the greatest want of necessities, scarcely and with difficulty do they sustain life. They live in a mean hut, low and depressed, not much unlike a cistern, or even a tomb."¹⁷

Additional commissioners for conducting the affairs of the Province were chosen from among those specially tested, in order that complete control of the government should be firmly lodged in the hands of the Puritan party everywhere.

Yet it may be taken as indicative of the misgivings of the victors and of their realization of the peril they ran, should they arouse the ire of Oliver Cromwell, that Governor Bennett left Virginia to plead in person before the Lord Protector the case of his associates. Because of the loss of records, however, nothing appears very definite until we read, in a letter from Cromwell, dated Whitehall, September 26, 1655, the Lord Protector's statement that the Parliamentary party in Virginia and Maryland had misunderstood his directions of the previous January. In any event, Lord Baltimore was at this time emboldened to make formal complaint to the Lord Protector in regard to affairs in his Province, whereupon Cromwell referred these matters to the Lords of Trade. After prolonged discussion from early in the autumn of 1656 until late in the following year, an agreement was drawn up, November 30, 1657, between Lord Baltimore on his own behalf and Richard Bennett and Samuel Matthews on behalf of the Puritans of the Maryland Province in regard to the political and religious differences there, and on behalf of the Virginians in regard to boundaries, land claims, and other matters. Under the articles of agreement, or "treaty" as it was termed, signed by Lord Baltimore and by Samuel Matthews, acting for Richard Bennett, in which Lord Baltimore's proprietary rights were fully recognized, amnesty was proclaimed for those lately in resistance, with privilege of leaving the Province for those who would refuse the oath of fidelity. Religious proscriptions set forth by the Puritans were to be abrogated and the previous status of freedom restored. No mention was made of Claiborne and his claims and the agreement, being duly signed and sealed on March 23, 1658, became effective.

In the meantime, affairs had been in a turmoil in the Province, and the references in the "articles of agreement" to the unhappy state of the colonists were not exaggerated. Business, trade, and all industry—even land tenure—were

uncertain. Matters were rendered more difficult by Lord Baltimore's apparently premature appointment of Josias Fendall as Governor of the Province, the appointment being received by Fendall in Maryland as early as July 10, 1656. The Proprietary, always appreciative of the support of his friends—too appreciative of the support of some who were not worthy of his favor—had been attracted by reports of Fendall's activities in his behalf when Governor Stone had projected the ill-fated expedition against Providence the year before. "He had," says Bozman, "commanded the military party sent by Governor Stone to the Patuxent for the seizure of some arms and ammunition . . . ; which he performed with a truly cavalier incivility, if not, as alleged by the Puritans, with some severity and oppression."

In his instructions to Josias Fendall, Lord Baltimore made it clear that he wished all those who had suffered in defense of his rights to be reimbursed in some measure or their efforts publicly recognized. Some were given large grants of land; as John Langford, author of *The Refutation*; Luke Barber; Thomas Truman; George Thompson; and Henry Coursey. His Lordship also wrote that he was making special pleas for aid to the Lord Protector for the widows of Hatton, Lewis, and Eltonhead, who had been executed by the Puritans. Included in these articles were detailed instructions to the new governor to define the exact bounds of Maryland on the south, especially in regard to that portion known as the Eastern Shore, according to the maps then in use, and that all persons from Virginia should be required to have licenses from his lordship to trade or traffic in the Province. Shortly after issuing these instructions, Lord Baltimore sent to Maryland his brother, Philip, to take charge of his personal affairs. Philip was made a member of the Council and as such, by the custom of the Province, he became also a justice in the Provincial Court. He was given additional responsibilities and authority as "Principal Secretary" for Mary-

land and "Principal Officer" for all such matters of record as wills, grants of lands or offices, letters of administration, probates, and inventories.

It was some time, however, before the new government went into office. The records of the Province are blank as to the inauguration of the new governor and the installation of Philip Calvert as Principal Secretary; in fact, the first reference in the Council Proceedings to their presence is that of June 18, 1657. Of the five persons entitled to sit in the Council at that time, two only were present,—Governor Fendall and Secretary Calvert. The only business then transacted was an arrangement for the appointment of Dr. Barber as deputy governor in the place of Josias Fendall, who, it appears, was called to England to consult with the Proprietary, possibly to give an account of his stewardship.

Fendall left the Province divided against itself. His actual authority may not have extended beyond the bounds of St. Mary's County, which was loyal to the Proprietary. The people on the Patuxent were divided in their sympathies between the government at St. Mary's City and the Puritan régime at Providence, to which was added Kent Island, nominally then a Claiborne possession, but politically dependent upon Providence. While the Province was thus divided, while neither faction dared to assert its authority at the headquarters of the other, and while Governor Fendall was absent, the Puritans, in accordance with their prearranged plan for the calling of triennial assemblies, issued a summons for a meeting of the General Assembly at Patuxent. Only ten men were "returned" or present. After repealing some of the acts of the previous assembly, new legislation was proposed and passed. One of the acts recorded the first levy of a poll tax upon both freemen and "servants," the latter being, no doubt, chargeable to the master. Since poll taxes became most unpopular in the days of the democracy set up after the Revolution, this legislation is of interest. Others acts, for raising revenue, settling of expenses caused by the "Disturbance of Capt.

Josias Fendall," the payment of bounties for killing wolves in St. Mary's County, etc., indicate that this Assembly at least claimed, if it did not exercise, authority throughout the whole Province. In addition, a standing committee was appointed to look after the (delayed) collection of the fines "amerced upon" any of the inhabitants concerned in the "last engagement," *viz.*, those who were fined for fighting under the Proprietary's banner three years before.

In the meantime, in England, Governor Fendall had been getting fresh directions from Lord Baltimore, which stipulated that, in case of the death or absence of Philip Calvert, Fendall should do all things with the advice and approval of Captain Thomas Cornwallis. In any event, there again followed the usual winter voyage, and Fendall arrived in Maryland, February 26, 1658, to take up his duties as Governor of the Province and actively to assert the authority of the Proprietary.

The day after Fendall's arrival, a meeting of the council was called at St. Mary's, and the "treaty," heretofore mentioned, between Lord Baltimore and Richard Bennett was "published," probably with the approval of most of the colonists, who now had grounds for hope that conflict of authority was at last at an end. Copies of the agreement were dispatched at once to Captain Fuller, Richard Preston, and other representatives of the government at Providence. With these copies went a request for a meeting at St. Leonard's between the Puritans on the one side and Fendall, Secretary Calvert, and Captain Cornwallis, on the other. The date of the meeting was given out as the 18th of March, 1658; but, as illustrative of the difficulties of travel in those days, even within the bounds of a single colony, it is reported that the wind and weather prevented the appearance on the appointed day of Captain Fuller and his associate commissioners. These did not arrive until Saturday, and "the day being farre spent and Sunday not fitt to treat of business, all further treaty was putt off till monday, the 22th."

On that day the representatives of the parties to the controversy met in convention, and it is most interesting to note that the Puritans objected chiefly to those provisions which would involve an appeal to "his highness" the Lord Protector. From this we may assume that although they had been most vociferous in proclaiming Cromwell's authority and in always pretending to act under it, they had now lost faith in his support; for he had shown unmistakeably that he was weary of their turbulent attitude and intolerance. After no little debate, the Puritans gained their point and the Proprietary's instructions were actually so modified as to leave no room for any doubt as to complete amnesty for the Puritan leaders without submitting appeals to the Lord Protector. A few other changes were made and the articles of the Maryland agreement were drawn up and published under the seal of Governor Fendall and attested by Secretary Calvert. All now seemed peaceful in the Province, and complete restoration in Maryland would have preceded the political restoration in Britain but for the apparently unstable character of Governor Fendall. From the first notice of him in the Province, it appears that he was always restless, vigorous at times, yet vacillating and unreliable. Scarcely had the agreement with the Puritan party been signed before he gave evidence of unfaithfulness to his pledges.

The Maryland Assembly was convened in February, 1660, "at Mr. Thomas Gerrard's and Mr. Robert Slye's." Apparently with the secret connivance of Fendall and some prominent Puritans, the leaders of an evidently concerted movement in the lower house declared that the Burgesses constituted "a lawful Assembly without dependence upon any other power in the Province." This remarkable declaration was addressed "to the honorable the Governor and Council." Thereupon, Governor Fendall and the Council made reply by asking the Burgesses if they meant that the Lower House were: independent of those members of the Council assembled by writs for the General Assembly; if

they meant that they were a "compleat" body without the governor and the Council; or whether they do judge they are "wholly independent of the power of the Lord Proprietor." Thereupon, conferences were arranged between representatives of the two houses, the upshot of which was that Governor Fendall, over the protest of Philip Calvert and two other members of the committee, yielded up the prerogatives of his office under Lord Baltimore's patent and agreed to sit with the Council as President of the House of Burgesses, but left the power of dissolution of that body to the Speaker, who continued in office.¹⁸

From what subsequently took place, it would appear that these curiously irregular proceedings were part of a specially arranged conspiracy by means of which Fendall purposed making himself a virtual dictator. In any event, he forthwith began to stir up disaffection against the Proprietary, with the announced intention of changing the form of government into a "commonwealth," Fendall giving up his commission from Lord Baltimore and accepting a new one from the Assembly.¹⁹ By the time Fendall's plans had got under way, however, Charles II was crowned king and the Lord Proprietary had been restored to favor at court; so that Fendall's revolution came to a sudden end with the proclamation of his Majesty commanding the aid of magistrates, officers, and all loyal subjects to reestablish in full "the rights and jurisdiction" of Lord Baltimore within his Province. Philip Calvert was commissioned Governor in the place of Fendall on June 24, 1660, and a general pardon was issued to all except Fendall and John Hatch, and even these were shortly afterwards released, the former pleading illness and giving security for good behavior, and the latter after paying a fine.*

* "The year 1659 is noted . . . for the attempted rebellion of Governor Josias Fendall, in which he made the unsuccessful effort to 'play the part in Maryland which Cromwell had just performed in England,' by conspiring with the Assembly to overthrow the Proprietary government and establish a republic, with himself as its head,"—Thomas, *Chronicles of Colonial Maryland*, p. 55.

CHAPTER XIII

THE MIRACLE OF THIS AGE

HE THAT desires to see," wrote a contemporary sojourner in Maryland, "the real Platform of a quiet and sober Government extant, Superiority with a meek and yet commanding power sitting at the Helme, steering the actions of State quietly, through the multitude and diversity of Opinionous waves that diversly meet, let him look on Mary-Land with eyes admiring, and he'll then judge her, The Miracle of this Age." This comment applied to the final period of Cecil Calvert's proprietorship. These years were, for the greater part, years of growth and renewed contentment. Sundry problems came up for solution, most of which were domestic; a few involved further contacts with Virginia; while one, at least, was of international import.¹

The last-named difficulty arose out of the Dutch claims south of the Hudson subsequently to their taking over the Swedish settlements along the Delaware. As early as 1650, the Dutch had established Fort Casimir, within the limits of the Maryland Palatinate. The Swedes captured it in 1654, and held possession until 1658, when the Dutch regained control, renaming the fort New Amstel. They had become so well established in New Netherland that they sent to Maryland to recover soldier deserters. Since the Council of New Amstel did not know the name or address of the Governor of Maryland under the recent restoration, the message was forwarded to Colonel Nathaniel Utie, who was described as living at "Bearson Island" at the mouth of the Susquehanna. Utie replied that while he would forward the communication to

the Governor of Maryland he had already received word that Lord Baltimore "had commanded that the lands between the degrees of his grant should be reviewed and surveyed, and when ascertained, he reduced under his jurisdiction, without the intention of abandoning any part of it."²

A meeting of the Maryland Council was held in Anne Arundel County, August 3, 1659, where it was ordered:

That Colonel Nathaniel Utie do make his repair to the pretended Governor of a people seated in Delaware Bay within his Lordship's Province, and that he do give them to understand that they are seated within this, his Lordship's Province, without notice given to his Lordship's Lieutenant here, and to require them to depart the Province.

The Council also ordered Colonel Utie privately to tell "the people there seated that," if they should make application to his Lordship's government, they would find good conditions such as those "granted to all comers into this Province" and that "they shall have protection in their lives, liberties, and estates which they shall bring with them." Governor Fendall made the following formal reply:

I received a letter from you directed to me as the Lord Baltimore's Governor and Lieutenant of the Province of Maryland, wherein you suppose yourself to be Governor of a people seated in a part of Delaware Bay which, I am very well informed, lieth to the southward of the degree forty, and therefore [I] can by no means own or acknowledge any for Governor there but myself, who am, by his Lordship, appointed Lieutenant of his whole Province lying between the degrees 38 and 40; but do by these require and command you presently to depart forth of this, his Lordship's Province, or otherwise desire you to hold me excused if I use my utmost endeavor to reduce that part of his Lordship's Province unto its due obedience under him.³

Colonel Utie reached New Amstel early in September and made known his mission to Governor Alricks of New Amstel

and Governor Beekman of the other Dutch colony of Altona. The discussion, as described by Beekman in his letter to Stuyvesant of September 12, is lengthy. The Dutch expressed much astonishment over Fendall's message, in view of the fact that they had been in possession so many years by action or grant of the States General and the Dutch West India Company. To this Utie replied that if the Dutch did not yield or retire at once, he would not be held responsible for the shedding of innocent blood; and that a military campaign just after the tobacco harvest could be undertaken at best advantage. He, therefore, wanted an immediate answer. Upon the declaration of the Dutch commanders that they could give no orders to vacate the premises of themselves but must consult the Director-General at New Amsterdam, Colonel Utie granted Alricks and Beekman a respite of three weeks for a reply. Utie saw the messengers sent off to New Amsterdam, but did not wait for the return of an answer—a wise move, as Stuyvesant sent back an armed force with orders to arrest Utie as a spy.

In the meantime, the Dutch determined to send an "embassy" into Maryland to discuss all matters of difference. The embassy consisted of Augustine Herman and Resolved Waldron, who were directed to make complaint before Governor Fendall that Utie's conduct was a breach of the treaty of 1654 between England and Holland; that Utie had issued an ultimatum threatening the representatives of a friendly government with force and bloodshed if they did not immediately signify their intention of obeying, which ultimatum he had modified when he agreed to give the Dutch subordinates the precise time necessary for them to proceed to headquarters and return an answer; that in addition, he took advantage of his office as envoy to persuade the people of the weakness of the Dutch cause and incite them to abandon their holdings and make terms with the Maryland Proprietary; or, as expressed by Augustine Herman, he excited them "to re-

volt and rebellion against their magistrates" and threatened them "with being plundered and driven off" in case they would not surrender.⁴

Fearing that Utie's threats were being actively supported by the Government of Maryland, the Dutch at New Amsterdam sent an armed force to the Zuydt (South or Delaware) river, in addition to the above-mentioned embassy into Maryland. Incidentally, it may be noted that Herman left Dutch soil (as claimed) in October and arrived in Maryland in September; for, in traveling from one province to the other, he "lost" ten days, the Dutch reckoning time by the new or Gregorian calendar, the English reckoning by the Julian. When he had progressed into what was admittedly Maryland territory, he gave both dates in his journal; *e.g.*, "October 6; September 26."⁵

The Dutch ambassadors made sharp inquiries of all whom they met on entering the Maryland Province, and they were doubtless much relieved to find that Colonel Utie's threats of immediate attack were not sustained by any appearance of action by either the government or the people. As was to be expected, the conference brought no fruit other than comparing the rival claims, which neither side was disposed to yield. Waldron returned to New Amsterdam to make a report on the proceedings, while Herman visited Virginia with a view, as significantly stated in his journal, "to ascertain the opinion of the Governor and others there concerning this matter, and thus to create some division between them [the English]; also to clear ourselves, at the same time, of the slander which some people seek to attach to us, that we had excited the Indians to massacre the English at Accomac."

Apparently, Lord Baltimore was not desirous of bringing on an international conflict in the interests of his Province, the responsibility for which could be laid at his door. Such a responsibility might involve serious consequences and give a convenient handle to his enemies. However, he took steps

to secure his rights under legal processes and obtained from Charles II, on July 21st, 1661, a special confirmation of his patent. In the meantime, the Council in Holland "resolved to remain in possession" of the disputed territory and to "defend their right" by force of arms if necessary. Because of error in the placing of the fortieth parallel in the map of Captain John Smith, and partly because of ignorance as to the location of New Amstel, negotiations continued between Governor Calvert and the Dutch, especially with respect to making further treaties with the Indians of the borderland.*

The dispute with the Dutch never came to a head, in the sense that Maryland forced the issue. The King commissioned his brother James to proceed to the seizure of New Netherland; and James appointed Richard Nicolls Lieutenant-governor to win the province for him. With four warships, the expeditionary force appeared before New Amsterdam in August, 1664, and demanded the surrender of the city. Old Peter Stuyvesant raged and fumed, but to no purpose; his Council declared for surrender on the terms offered. New Amsterdam became New York, and New Amstel became New Castle.

No doubt Lord Baltimore was pleased to hear of the subjugation of the Dutch, but he probably did not realize that the consequences of the achievement would result in further encroachment upon his domain from a new and more powerful source. It remained, however, for his son and successor to combat the former Dutch and Swedish claims in the hands of his own countrymen; *viz.*, those of the Duke of York, subsequently James II; together with William Penn, a royal

* Two years after Colonel Utie's visit, Governor Philip Calvert and his Council met, at Utie's residence, the Dutch commissioners and sundry Indians chiefs, at which time a double treaty with the latter was drawn up and signed. Again, in 1663 Charles Calvert visited Altona and New Amstel in considerable state and with a large following. He was handsomely entertained by the Dutch; and when he proposed to visit Boston by way of Manhattan, Governor Stuyvesant offered "convoy and horses."⁶

patentee under the Crown. Claims of "previously cultivated" territory, regarded as negligible when the land was tilled and held by the Dutch, were now held as valid in order to make room for Penn. Hence, it happened that land once liberally given to a Roman Catholic proprietary by an Anglican king was withdrawn from the Catholic proprietary chiefly by virtue of the efforts or influence of a son of the Anglican monarch who himself had become a Roman Catholic. But this dispute must be taken up under the proprietorship of Cecil's son and heir. Suffice it to record at this point that Augustine Herman must have made a favorable impression upon the Marylanders; since, later, we find that, for drawing a map of the region under dispute, Lord Baltimore made him a grant of Bohemia Manor in the northern reaches of the Chesapeake Bay.

In 1661, Charles, son and heir of Lord Baltimore, was sent to the Province as Governor to take the place of his uncle, Philip Calvert, who was made Deputy-Lieutenant and Chancellor. At this time the population of the Province has been estimated at less than 10,000, a figure which may be compared with the extraordinary immigration of 3,000 a year in the Massachusetts Bay settlements during the seven years prior to the calling of the Long Parliament; on the other hand the number of settlers was destined to quadruple in the last half of the century.

In Maryland, as in Virginia, it is to be noted that the tendency prevailed for the more opulent—if any of the earlier Maryland colonists may be so termed,—to secure large tracts of arable land along the waterways, which had the effect of greatly restricting the possibilities of the growth of towns, such as those which, during the same period, were so rapidly increasing in New England. Despite anything that the provincial authorities could do, the City of St. Mary's itself never got beyond the stage of a straggling village surrounded by the private estates of planters. As the labors of

the Jesuits and the natural kindliness of the local Indians removed fear of attack, the immigrants had spread along the water courses emptying into the Chesapeake, devoting themselves to clearing land, planting tobacco, and building houses. Many planters constructed their own private warehouses and wharves where vessels engaged in coastwise or transatlantic trade received their cargoes.

In 1683, the Assembly passed "an Act for Advancement of Trade" which aimed to encourage the creation of towns. Many available sites were listed; but it was one thing to order the laying out of a town in part-acre lots and quite another to get it actually settled. The very names given to many of the sites officially authorized do not seem promising. Among thirty such towns, one finds old sites, as the "City of St. Maries," side by side with such designations as "Britton's Bay," "John Bayleys or Taunts," "On Stumpe Neck Neare Clingemuxen," "on Mr. Reddish, his land," etc. The Assembly was assailed with petitions for changes; *e.g.*, "The Meeneys aske for more time for their town at a place called Lott's Wife," and the residents of Cecil County asked "to vacate their Towne at Captain Johns Creek and appoint the same at Cecilton." Londontown on the South River, "on land given by Colonel Burgess," was one of the towns that made a prosperous beginning, only to stop growing and disappear.⁷

In so far as Virginia and Maryland were concerned, post-restoration contacts gave rise to a highly interesting clash between the political and economic views of Lord Baltimore on the one side and of Governor Sir William Berkeley on the other. The controversy grew out of an attempt at agreement, led by the autocratically inclined Berkeley, to promulgate a common policy in curtailing the production of tobacco. The proposals made for limitation and the objections raised by Lord Baltimore present the earliest emergence of an economic problem that has arisen again and again in Ameri-

can history up to the time of the most notable of all periods of "overproduction" of commodities and products, nearly three hundred years after the founding of Maryland. Berkeley represented those who seek by governmental action to interfere with the laws of supply and demand, whilst Calvert is a fitting representative of others who would avoid such action as unsound. Berkeley sought a way out of an economic impasse by frontal assault, as it were; Baltimore, by flank attack or by strategy.

The attempt to regulate crop production or to fix prices by governmental fiat has been a fetich that appears and reappears in the whole range of human history; and, by way of introduction to the Berkeley-Baltimore disputation, it may be noted that "for the encouragement of sowing English grain," the early settlers of Maryland sought to set a minimum price. It was stipulated that wheat should command "five shillings the bushel;" moreover, "wheat and other grains were to be accepted" in payment of "rents, levies, or money debts." The theory was, no doubt, praiseworthy; but in practice the standard of exchange became tobacco, with roanoke for trade with the Indians. A modern parallel to this procedure may be cited in the efforts of the Congress of the United States in the third decade of the twentieth century to "peg" the price of wheat and cotton. By way of further comparison between past and present attempts of planters to circumvent or defeat the untoward workings of economic laws and conditions, there may also be mentioned the previous endeavors of the Kentucky tobacco growers to curtail production of this popular American staple.⁸

In 1666 [1667], Governor Drummond of the "Albemarle settlements," in what is now North Carolina; Governor Berkeley of Virginia; Governor Calvert of Maryland; and their respective councils and legislative bodies prepared to unite in proclaiming a year's cessation in the planting of

tobacco. The Maryland Assembly, in April of that year, passed the following act:

Forasmuch as tobacco is the only commodity by which this Province doth at present subsist, which, by the unlimited freedom of all persons to plant of the quantity and at what time they please, hath glutted all markets for divers years last past . . . be it enacted . . . that from and after the first day of February, which shall be in this present year 1666 [1667] till the first of February which shall be in the year of our Lord, one thousand, six hundred, sixty-seven [1668], no tobacco shall be sown, set, planted, or anyway tended within this Province of Maryland, provided that the Hon. Sir Wm. Berkeley and the Assembly of Virginia and Wm. Drummond, Governor of the Southward Plantations and the Assembly there do make the like acts in their several and respective Assemblies.”*⁹

Agitation for this economic cooperation had been begun some time previously without success; but Governor Berkeley finally wrote to the reluctant Governor Calvert saying that his “sacred Majesty,” Charles II, had not only taken heed to the “languishing condition” of the colony, but that he had “commanded” him (Berkeley) to report to His Majesty on the remedy which he should suggest; and that he must, therefore, convey word as to whether Governor Calvert gave “acceptance or refusal” thereto. Berkeley’s messenger in the matter was the former Puritan, Richard Bennett,—now presumably turned Cavalier, else Berkeley must have chosen another envoy. In consequence of these representations, the year’s “cessation” above-mentioned was authorized; but Berkeley had reckoned without the Proprietary of the Maryland Province, who interposed his veto

* The Governor of the Albemarle settlements was, in the next decade, destined to be hanged by the Governor of Virginia. Drummond had then played a prominent part in Bacon’s rebellion. When captured by the vengeful Berkeley, the latter greeted his prisoner: “Mr. Drummond, you are welcome. I am more glad to see you than any man in Virginia. Mr. Drummond, you shall be hanged in half an hour,” to which the calm Scot replied: “As Your Honor pleases.”

in an emphatic "disassent." It will be noted that Berkeley had appealed to the King, thereby going over the head of the Lord Baltimore.

The various proposals for relieving distress growing out of the excess of tobacco production and the consequent decline in value were debated at length in Great Britain before the Privy Council and the Lords of Trade. On behalf of the contentions of Governor Berkeley, there appeared commissioners from Virginia and England, one of whom was a former peacemaker between Baltimore and the Puritans, Edward Diggs. Lord Baltimore stated the case for Maryland and met the arguments of Berkeley and his advisers with such ability that he won his case. In fact, his comments upon the working of economic laws in general, and their application to this situation in particular, are well worth reviewing in the light of later periods in American history.

When Governor Berkeley's commissioners expressed their fear of rebellious "discontents," if drastic action were not taken to curtail the crop, Lord Baltimore pointed to the fact that the colonies had, on several occasions, weathered similar periods of distress. Thereupon, the commissioners replied:

My Lords, this is most true, yet if your Lordships but please to look back into the reason of it, you will then find that those times had the advantages that the present or future cannot hope for. All the rest of his Majesty's Plantations [including West Indies] then made tobacco, as well as Virginia and Maryland, which made the quantity (as now) exceed the consumption, and that brought it to the same ebb; [the] other places finding ruin knocking at their doors, [they] timely and most prudently left it off, and by the advantage of the credit the London merchants gave them, vent upon more profitable and useful commodities, and left the Unhappie Weede to Virginia and Maryland, that became the only marts for the commodity.¹⁰

The Berkeley contentions were skillfully refuted by Lord Baltimore. He declared that Berkeley's plan for cessation from

planting the principal crop would be the one thing most likely to provoke the "despair and mutinie" which the former apprehended; for mutiny would arise directly from "depriving the planters of their liberty, which they conceive is their birth-right as Englishmen, of planting what quantity they please of that commodity, which is to be their money to buy them clothes, tools, and other necessaries, for their subsistence." In further rebuttal of Governor Berkeley's pessimistic picture, Lord Baltimore asserted that:

If there be any that live in a poor manner, it is not from the low price of tobacco, but from their own sloth, ill husbandry, and profusely spending the crops in Brandewine, and other liquors, it being evident, and known to all that know those parts that such as are industrious and frugal, live in great plenty in comparison with husbandmen of England, of the same rank; and divers of them grow from nothing to great estates, and the reason is clear, for a painful and able man will in a summer make his four hogsheads of tobacco which, at the rate as it now is, will produce in England fourteen or fifteen pound, which will buy him clothes and another servant clear, besides which he will plant corn enough to find himself, and to sell for four or five pound more, and rear a stock of cattle.*

That Lord Baltimore was open to suggestions is shown by his reply to one made by the Virginia commissioners that the planters be urged to practice diversification of crops—a suggestion which was forcefully brought to the attention of the cotton growers in the southern States in the twentieth century and which was discussed at length in Congress for the wheat growers of the Northwest. In fine, Lord Baltimore expressed his willingness to "concur to any expedient that shall

* Calvert declared that the only ground the proponents of the cessation plan had to go on for their contention was "the confident affirmation of many knowing men (who may perhaps have a design of their own interest in it);" that though they "please to call it a harmless experiment," it "would hazard the undoing of a multitude of the lesser traders to those parts."¹¹

be thought fit to set" the people of his Province to growing a greater variety of commodities.

By thus approving the plan of encouraging diversity of crops, Lord Baltimore showed not only a spirit of fairness, but also economic wisdom, in common with the Virginia commissioners. On the other hand, when the commissioners reverted to a substitute plan to "stint" the production of the colonial staple crop, he again dissented. This secondary or substitute proposition urged that a date be set in the summer (variable according to latitude) after which it should be unlawful to plant any more tobacco. In rebuttal, Lord Baltimore, well informed as to recent conditions in America, began by reviewing the difficulties of setting a definite "stint day" in advance. There was first the uncertainty of the weather; in 1663, for example, he showed there had been "no season to any purpose in Maryland till the 20th of July." To these introductory objections he added the shrewdly practical observations on economics, politics, and human nature:

That there will be no means of convicting transgressors without either encouraging servants to inform against their masters; or next neighbors, one against another, both which will be odious and dangerous for perjury and setting families in combustion both within themselves, and one against another; or else appointed officers in every county, or hundred, to view every several Plantation afore, and presently, after, the stint day, to note and number how many hills, or what portion of a field is planted before the day, which, in so many Plantations so far distant one from another as they are in those parts, will be a matter of great charge and trouble; and no officers will be found willing to undertake it without considerable salary for their pains, and no way to raise those salaries. Moreover, if any officers should be appointed to see to the execution of it, it is to be feared there will be that negligence, corruption, or partiality in it, as will render it ineffectual to the end intended, as was found by experience in a like Act in Virginia for burning Tobacco, which by this means came to nothing.¹²

Sir William Berkeley was, in modern parlance, a bad loser. Furious that his well-laid plans, upon which he had been working almost from the date of his return to power under Charles II, should be thus brought to nought by Lord Baltimore, just as they seemed to be assured of success by means of the intercolonial "treaty," as he called it, he dispatched a formal "Complaint" addressed to Charles II and the Privy Council, in which he presented a lengthy review of the negotiations between the colonies. He recited how, "Accompanied by some of the [Virginia] Council, he did, in the depth of winter, to the very great hazard of his health, perform" a journey to Maryland, whereby he had "dealt so effectually with the Lieutenant General of that Province, and others of the most understanding persons" that they had finally acceded to his proposal. Then, like an unforeseen storm, there appeared "an Instrument under the signature and Seal at Arms of the Lord Baltimore in absolute and Princely terms prohibiting the execution of the Act and Articles."

The "Complaint" was phrased in the best style of the staunch old Royalist Governor, who headed the list of signers. At least some of the other signatures thereon were affixed with mental reservations, as, for example, in the case of the Speaker of the Maryland House of Burgesses, who wrote privately to Lord Baltimore protesting that favorable official action on Governor Berkeley's proposals had been taken because of fear—perhaps of royal disapproval. In any case, we find the seals of Thomas Swann and Miles Cary, names destined to become connected with subsequent Maryland events of note; George Read, son-in-law of Captain Martiau, the first Burgess for Kent Island and an ancestor of George Washington; the once belligerent Puritan, Richard Bennett, active in both colonies; Nathaniel Bacon, soon to become America's first rebel of distinction; Edward Carter, and others.*

* *Archives*, V, 18; *Council Proceedings*, *Archives*, V, 5-9. From 1633 to 1675, Captain Nicholas Martiau was Justice of York, an office then administered in

To this attack Baltimore made final rejoinder, in which he reviewed the whole story of the negotiations and strongly reinforced his original objections to the Berkeley program. The following excerpt again sets forth his concern over the "generality" of the settlers:

For the poorer sort of Planters (who are the most in number, and of whom the Lord Baltimore must have as tender a care as of the rich) would have no advantage of it; for these wanting clothes, and necessaries with which they were unable to stock themselves before hand for so long a time as a whole year (in which no supplies will come) will be inforced to sell their commodity either to the merchant, or the richer planters at the buyers' price; so that which is desired may probably have the effect to make the merchants here or the more substantial planters there (who have stocks to engross the commodity) more rich, but it would wholly ruin the poor, who are the generality of both the Provinces.¹³

From this it seems clear that Cecil Calvert understood the temper of a free people, already remarkably well versed in self-government. A law such as the one proposed would have provoked "dangerous discontents," if applied in England, to say nothing of America. Its enforcement might have led to a serious rebellion against constituted authority, or else a general and increasing disregard of all laws and regulations—besides opening the door to corruption and the imposition of a horde of office holders.

From the time of Pharaoh's over-favored kine, nature has been an efficient and effective adjuster of the economic ills resulting from over-production. So it was in Maryland and

Virginia somewhat after the fashion of an English country squire. One of his daughters married William Fuller, Governor of Maryland; another married Colonel George Read, member of the Virginia Council. The latter's daughter, Mildred Read, married Augustine Warner, Jr., whose daughter Mildred married Lawrence Washington, the grandfather of George Washington. Through this marriage, also, Justice Martiau became the ancestor of Thomas Nelson. One descendant was, therefore, commander in chief of the Continental army at the battle of Yorktown; the other, Governor of the State and commander of the Virginia forces.

Virginia. Governor Berkeley might have saved himself his perilous winter journey from Jamestown to St. Mary's, together with his local exhortations and his transatlantic letter-writing; for the following year was long remembered in both colonies as "the year of the hurricane"—which it would seem, from contemporary accounts, was the worst that had visited this part of the Atlantic seaboard. In Virginia some fifteen thousand houses were blown down, while three-fourths of the tobacco crop was destroyed, which last result must have had the effect of a considerable "cessation" of planting. The blowing down of some fifteen thousand houses, in a none too thickly populated settlement was a calamity of the first magnitude.

It has been pointed out that while, in his "conditions" of plantation, Lord Baltimore indicated his expectation of making wheat the medium of rental payments, tobacco promptly supplanted the cereal in that rôle. The colonial staple served very well for some time; but, after the restoration, the settlers manifested an increasing desire for some more convenient form of currency than hundred-weight and casks of their principal product. Consequently, after considerable discussion the Assembly passed, in 1661, an "Acte Concerning the Setting up of a Mint within this Province of Maryland" which declared that:

Forasmuch as money being the rule and measure of the value of commodities, no trade or commerce can be well managed without it; and the want of it in this Province is a main hindrance to the advancement of this colony in trades, manufactures, towns, and all other things which conduce to the flourishing and happy state thereof, we the freemen of this province assembled in this present General Assembly do humbly pray the Lord Proprietary of this Province to take order for the setting up of a mint for the coining of money within this Province. . . . And be it enacted by the Lord Proprietary with the consent of the Upper and Lower House of this present General Assembly that the money so coined

or which shall be coined in the said mint shall be as good silver as the current coin of English sterling money.¹⁴

Then followed clauses making it an offense punishable by death and forfeiture of estate to clip, counterfeit, wash, or otherwise "diminish" the said coins, to which was added a section that the Proprietary and his heirs would regard this currency as legal tender in payment of his rent and "all other engagements." This measure was followed in April, 1662, by an "Acte Concerning payment for money and bullion brought into this Province" the reasons for which are based upon the ground that the "Importation of money and bullion into this Province is of great concernment for the good of the inhabitants here in several respects." This, in turn, was followed with enabling clauses to force the money into circulation.

Eventually, Maryland had its Provincial currency; but it would appear that the mint was "set up" in England and the coins issued thence, those put in circulation being the penny, groat, sixpence, and shilling. Ogilby, in his *Description of the New World*, wrote:

The general way of traffick and commerce there is chiefly by Barter, or exchange of one commodity for another; yet there wants not besides English and other foreign coins some of his Lordship's own coin, as Groats, Sixpences, and Shillings, which his Lordship, at his own charge, caused to be coined and dispersed throughout the Province. 'Tis equal in fineness of silver to English sterling, being of the same standard, but of somewhat less weight. It hath on the one side his Lordship's coat of arms, stamped with his motto circumscribed "*Crescite et Multiplicamini*," and on the other side his Lordship's effigies, circumscribed thus: "*Caecilius, Dominus Terrae Mariae, &c.*"

"Trafique, Commerce and Trade," wrote Alsop, "are those great wheelles that by their circular and continued motion, turn into most Kingdoms of the Earth the plenty of abun-

dant Riches that they are commonly fed withall." To these observations, he added a number of verses concerning the reciprocal value of commerce to civilized nations, closing with this special apostrophe to the Province of his adoption:

Be thrifty, Mary-Land, keep what thou hast in store,
And each years Trafique to thy self get more.

The innate objection of Anglo-Celtic peoples to interference with their personal liberty is particularly true of the American colonists—whether by king, parliament, or their own assemblies—is illustrated in the record of the efforts to regulate the wanderings of the settlers' cattle. The General Assembly of 1649 which enacted the much discussed "Act Concerning Religion" also enacted, almost immediately thereafter, so material a measure as one entitled "An Act touching Hogs and the Marking of Cattell."¹⁵ This apparently trivial bit of legislation had a counterpart in most of, or all, the first colonies; the problem it attempted to solve intimately concerned the daily life and customs of the people in these new communities. Agitation in Massachusetts over the fate of a poor woman's pig played a part in the ultimate downfall of the extreme form of New England theocracy as set up by the Puritan Fathers.

The Maryland cattle law of 1649 made it obligatory upon every farmer or planter to record his cattle regularly and to register his particular mark of ownership. In this procedure we are furnished with a significant commentary upon Anglo-Celtic temperament, in that the greater the degree of democracy, the more difficult it is to enforce a universal regulation of this character. It was more difficult to enforce the act in the case of the poor man than in that of his wealthy neighbor. Consequently, this law, which seemed essential to the welfare of the people, was allowed to lapse into disuse after one reënactment and a brief renewal of the effort to enforce it. Subsequently, as a voluntary practice, for convenience of

identification, farmers devised and maintained for generations the plan of slitting or cutting the ears of their hogs and cattle according to their own designs. Various were the early attempts made to provide practical laws for the solution of the cattle problem. In 1661, an act was passed prescribing the legal height of fences. It was stipulated that they were to be at least five feet high around all corn fields, "sufficient and strongly made in the judgment of two indifferent [disinterested] men" so that "in case of trespass" it could be determined whether the fault lay with the fence or with the cattle.¹⁶ Some of the cattle thus allowed to wander at will not only severed, in course of time, all connections with civilization, but clandestinely returned to their former grazing grounds and prevailed upon the domestic herds to join them. As the General Assembly expressed it: "Divers inhabitants of this Province are much dampnified in their stocks of cattle and molested by reason of several herds of wild cattle resorting among their tame." Consequently, it was made lawful, under certain restrictions and after a certain date, to "kill any wild unmarked cattle resorting in company with their tame cattle." The restrictions provided that part of the spoil of the hunters of these cattle should accrue to "the Lord Proprietary's use."*

In 1662, a bill was passed entitled, "An additional Act against Hog Stealers," which, by its severity, appears to indicate the intense feelings of the pioneers in regard to their live stock, whether these were cattle and hogs on the farms

* The records of the Provincial court show case after case concerning the ownership of cattle. For instance, in 1658, Mrs. Jane Eltonhead and Mr. Simon Oversee were frequently in court on this account. Many pages of the records are taken up with testimony continuing from a "respite of the last court," beginning thus: "William Harper, at the request of the plaintiff sworn sayeth, That the last Spring being at Mrs. Eltonhead's, he heard a cow lowing after her calf; and Mrs. Eltonhead's servants told him that that cow which lowed was Mr. Oversee's cow and that she had lost her calf." The Governor also declareth to the Court, that about this time two year, there came two cows to Mrs. Eltonhead's, a brown cow and a red cow."¹⁷

or the half-wild horses of those who developed the ever-widening west in the days of the conflict between the Conestoga and the Comanche. This act introduced the Old World use of the branding iron for the punishment of offenders. After alleging that the "former act against hogs stealers" had proved "not to be sufficiently penal," it prescribed that "for the second offence, the offender convicted shall be burned in the shoulder with the letter H with a red hot iron; and that such an iron be provided for every County Court."¹⁸

Cecil Calvert, Founder of Maryland, died on the 30th of November, 1675, shortly after the forty-second anniversary of the sailing of the *Ark* and the *Dove*; but his death did not mark the passing of the liberal régime respecting toleration in Maryland. The views and policies of his son and heir, Charles Calvert, were, on this subject, substantially the same as those of his father and grandfather. In the preceding chapters, much space has been given to certain differences of opinion between the Proprietary and the people. It is, therefore, incumbent to record an apparently spontaneous tribute from the people of the Province to the first Proprietary. This tribute not only expressed appreciation, but constituted a substantial contribution to his Lordship's revenue. The General Assembly in March, 1642, passed a measure entitled "An Act For Granting of one Subsdye," which opened with this statement: "The freemen of this Province, out of their desire to return his Lordship some testimony of their gratitude for his Lordship's great charge and solicitude in maintaining the government and protecting the inhabitants in their persons, rights, and liberties, and to contribute some support toward it so far as the young and poor estate of the Colony will yet bear, do desire" to present his Lordship a grant of "fifteen pounds of tobacco per poll, for every inhabitant of the province, male and female, children under the age of twelve years excepted, to be paid according to the lists or returns made by the several housekeepers, between the 25th

of July and 25th of August next." Though this material offering, in the first years of the settlement, was welcomed by Lord Baltimore, it is probable that he valued even more highly subsequent expressions of regard which were set forth as to his liberal policies—expressions which were voluntarily offered when unwarranted assaults were made upon him personally or upon the policies which he advocated and put into practice.¹⁹

No one can read the record of Cecil's life and not feel that he may rightly be numbered among the great men of a great epoch in English history. His name and that of his father should for all time be associated with the practice of a hitherto untried principle. Naturally reserved by temperament, he could be aroused, on occasion, to scorching arraignment of those who he thought had insidiously attacked or betrayed his larger aims. He held all to equal accountability in the trust he imposed upon them; and his letter to his brother recounting the latter's partial failure to stand by his whole duty in the matter of the great principle of the separation of church and state is a masterpiece of gentle and affectionate, yet, nonetheless, positive reproof. His "humanness" was shown in his almost boyish eagerness to learn all he could about his Province. He wanted to know about its soil, its water-courses, its flora and fauna; and doubtless he suffered genuine disappointment when, between the carelessness of his brother and the abstractions of the studious but loyal Secretary Lewger, the "red bird" escaped and the captive "lyon" died. He wanted numerous Indian tokens to preserve and treasure as mementoes of the land he was destined never to see; but Lewger, sympathetic and helpful in great causes, wrote, with apparent indifference to this simple request, that he hardly ever saw any Indians, and that his Lordship's brother could see to getting the arrows!

It may be averred that he sometimes failed in his choice of human instruments. Perhaps, as a student and thinker,

Cecil was not the best judge of men; then, again, under the circumstances, he may have chosen, with but few exceptions, the best at his command. Perhaps, if his choice had always been unhampered, all his lieutenants so chosen would have added lustre to his name; but as we review what he actually accomplished, respect for the man and his character is enhanced rather than diminished. If genius be indicated by an "infinite capacity for detail," this quality was amply demonstrated by Cecil Calvert. In time, it will be generally recognized that the pioneer outstanding builders of American institutions were Sir Edwin Sandys and Cecil Lord Baltimore, the former as the first to provide for local self-government under a representative democracy, and the latter as the first to put into active practice the principle of religious freedom.

CHAPTER XIV

POLITICAL REACTION

THE arrival in Maryland of Charles Calvert, son of the Proprietary, is associated with the beginnings of change in political practices. The democracy of the original settlement had necessarily given place, first to the voting of proxies and then to a representative form under which delegates were elected by all the freemen of the Province. After a decade and a half, there came the Puritan upheaval and with it the creation, as in Massachusetts, of an autocracy, or a theocracy, when a large proportion of the population was disfranchised. With the restoration, the reaction in Maryland was not unlike the reaction against the commonwealth régime in England, which had permitted politico-religious fanatics of the Barebones type to rise to positions of power. Charles Calvert came to Maryland fresh from these experiences, and it was natural for him to take or sanction steps to limit the suffrage to such freemen as owned at least fifty acres of land, or personal property to the value of about \$300 in modern currency. Shortly, he approved of a change by virtue of which only a proportion of the elected delegates were summoned to the Assembly.

These were important departures from the earlier practices in the Province, and they present a specific example of the phenomenon that all popular forms of government are subject to considerable fluctuation. By way of comparison, it may be noted that in the early days of the Federal Constitution, Thomas Jefferson fought to save the government and the people from the grasp of the specially privileged aristoc-

racy of birth or means which Alexander Hamilton sought to set up permanently. Simultaneously, Jefferson aimed to protect the newly created Republic from the tendency of democracies to create bureaucracies, out of which naturally arise various phases of paternalism. Even the most intelligent peoples, so thought such popular leaders as Jefferson, Washington, Cromwell, Hooker, Sandys, and others, have to be protected from themselves, or from their agents. It is in regard to the manner of securing this protection that they differed with the advocates of an aristocratic form of government. Winthrop and Hamilton believed that only a few of "the better class" were qualified to govern or even to participate in the suffrage. Of the two, Winthrop was the narrower in that he also sought to impose religious qualifications. On the other hand, Edwin Sandys and Thomas Jefferson believed in the people, provided that the people were trained to use their power in connection with the largest possible exercise of local self-government. Cecil Calvert, although acting under an extraordinarily autocratic charter, had permitted the immediate introduction of the greatest measure of local self-government that had yet existed in any community of divergent political and religious opinions. Politically, Calvert was evidently more inclined to agree with Hamilton than with Hooker; with respect, however, to the severance of church and state, the Proprietary of Maryland and Thomas Jefferson met on common ground. Charles Calvert, while maintaining his father's ideal of freedom of conscience, sought to curb the democratic practices of representative government in the Province and thereby furnished a basis for popular complaint and rebellion against his authority.

In 1669, an instance of popular expression of dissatisfaction against reactionary tendencies on the part of Governor and Council may be seen in the complaint of the House of Burgesses. Among "publick grievances" were listed "(1) That there is no Person authorized by the Lord Proprietor to Con-

firm our Laws; (2) That it appears by the Body of Laws that the Lord Proprietary did assent to these General Laws now disassented to by the Lieutenant General. . . . (3) The raising the last years Levys was against the Lord Proprietor's Charter the Laws of the Province and without the Consent of the Freemen of this Province; (4) That these Privileged Attorneys are one of the Grand Grievances of the Country; (5) The Sheriffs taking away Merchants and other Inhabitants Tobaccos upon Pretence of seisure for publick Debts; (6) That Officers are Erected which do take Fees exceeding and contrary to the Acts of Assembly; (7) That vexatious Informers is another publick Grievance. This paper was presented by the Speaker of the Lower House to the Upper House at the conference between both Houses this 20th day of April, 1669." The "paper" thus presented by the Burgesses misstated some particulars or exaggerated the circumstances; but several such complaints appearing under Charles Calvert as Proprietor indicate the increase of special privilege and a feeling of popular resentment. In some ways the reaction made for greater strength of central control; but it created dissatisfaction and many felt that the "generality of the people" were being deprived of their customary participation in public affairs.¹

Charles Calvert's official connections with the government of Maryland under his father's proprietorship brought him into contact with the frontier Indian troubles in Virginia which led to the Rebellion of 1676, wherein Nathaniel Bacon undertook to march against the savages in defiance of Governor Berkeley. In any event, Charles acquired, to a large extent, the Virginians' antipathy for the redskins which resulted from the memory of the massacres of 1622 and 1644. That the first resident Proprietary knew of conditions in the south is shown by his comment that: "In Virginia, these savages kill and destroy hogs and cattle afore the faces of

the owners of them; and if the English make any opposition, they're immediately fired at by these villains."

The new Proprietary leaves the impression that conditions were not so bad in Maryland, although he specially mentions one instance where five men and a woman were killed in the Province "upon a like occasion." It is evident, however, that the son and successor of the Founder of Maryland was fast losing patience with the Indians as a race. Unlike his father, he was given to wholesale indictments of people and conditions, and to display his feelings in extreme and unguarded terms. Hence, to Charles Calvert, the invading Indians seemed but "heathen rogues" and irreclaimable villains. The friendly relations between the English and the southern tribes of Indians aroused the active enmity of their foes to the North and West. Of the latter, Charles Calvert wrote that, "They pretend no design of mischief towards the English, but tell us they're resolved to destroy all our neighboring Indians; whom, when they've subdued, conquered, and destroyed, I believe their next design will be against the inhabitants of both these colonies, whose stocks of cattle and hogs they already make bold with."²

Even at this late date, in contrast to the attitude of the settlers of the other colonies, the people of Maryland engaged in no campaigns of extermination directed against the Indians. Instead, there appears to have grown up a tradition opposed to this unrelenting and indiscriminate form of warfare. There was a disposition to trade with the Indians, to put up with their shortcomings, and not to regard them all as bad because some of them committed theft and murder. As in no other colony, the Indians were encouraged to assist in hunting out, in English fashion, the guilty parties so that they might be "surrendered up" for proper punishment. Despite these efforts at fair dealings, the records set forth many items such as the one concerning the death of Mrs. Robert Gorsuch: "Upon the 11th of April, 1661, there came

to his howse some Indians, some in blew and some in red Matchcoates, whoe killd his wife and plundered his howse.”³ Several days later, William Hollingsworth writes from the “Sand Point” in Delaware Bay to Colonel Nathaniel Utie: “These Lines of myne I am afrayd will be the intelligence of sad tydings;” whereupon he reports the murder of “three Englishmen and one Dutchman.” Hollingsworth was from New England, and in lieu of the Maryland terms for an Indian chief, such as *werrowance* or *tayac*, it may be noted that he uses the New England *sachem*. He demanded prompt and vigorous proceedings in punishment of “such barbarous actions.” Again, a month later, a letter from one Garratt Rutten reports that “Mr. Hollingsworth is very sorry he heares no answer of his letter. I must watch in my howse with seaven or eight Guns Loaden.” And although Philip Calvert wrote to Alexander Dhinoijossa, Governor of New Amstel that “It is not our Custom to putt up [with] the injuries of Indians, nor to bury the blood of Christians in forgetfullness and oblivion,” no concerted action was taken to declare any war of vengeance, as Hollingsworth evidently expected. Justice was left to negotiation, and every now and then we find where an Indian murderer is apprehended and given up by his countrymen. For example, the Indian *tayack*, Pinna of Pickhattomitta, appeared before Philip Calvert and stated that men had been slain on either side, one of whom was his own brother. Nevertheless, he expressed a desire to bury the hatchet and call all accounts square; and the evidence showed that in these intermittent and unauthorized attacks and reprisals, the Indians suffered greater losses than the English. Pinna also declared, in effect, that he had not counseled war any more than the English Governor, and that the deeds of individuals should not be laid against all; a declaration by a child of the American forest that brings to mind the exclamation of Edmund Burke: “I do not know the method of drawing up an indictment of a whole people.”

Not infrequently, eloquent appeals for swift and unrelenting vengeance were laid before the sessions of the General Assembly or the Provincial Council. In August, 1665, after the murder of his wife and child, Thomas Alcock appeared before Governor Calvert and the Assembly with an earnest petition in which he declared: "Since that blood crieth to heaven for vengeance, your petitioner hereby throweth himself, together with the blood of his murdered wife and child at your feet, craving justice, which blood he humbly begs of the just Judge of heaven and earth never to remove from your souls, nor the souls of your children's children till it be satisfied." It was not in hot haste, but by due process of legal procedure,—cold and formal as it must have seemed to the bereaved husband and father,—that the House answered. Alcock was informed by William Britton, clerk of the House, that his petition was referred to the next day's meeting of the two Houses; and it was ordered that "the Lieutenant general be requested to demand of the Doage Indians (who are esteemed to be murderers of the petitioner's wife and child according to this petition) or other Indians deputed for them to give answer to the contents of this petition." Following this recital, the records forthwith report the immediately previous "Murther of Mr. Langworth's children."⁴

By way of comparative illustration, it may be mentioned that in one of the Dutch settlements along the Delaware, the arms of Holland had been painted on a piece of tin and set up as a kind of standard. An unfortunate Indian, not understanding the symbol of a civilized state, thought that the tin would make an excellent tobacco container and appropriated it for that purpose. The Dutch, regarding this act of an ignorant savage as an insult to their national emblem, slew the offender. Fellow-tribesmen of the victim, however, who saw the matter only from the Indian standpoint, avenged the death of their brother by entirely wiping out that particular settlement, which was said to consist of some thirty

souls. In this case, at least, it would seem that the Maryland plan of seeking explanations would have been better.

Rightly or wrongly, tradition and custom were also different in Virginia; and, a few years later, this active hostility involved Maryland. In 1673, the Susquehannock Indians, for several years professedly friendly and under a kind of treaty-protectorate, had been so badly defeated by their enemies, the Senecas, that the Assembly felt disposed to grant them land abandoned by the decadent Pascataways. Whereupon, the Susequehannocks removed their habitations from the head of the Chesapeake to the northern bank of the Potomac near the head of navigation. The Senecas, however, pursued them and raided plantations on both sides of the river. In the summer of 1675, on the south side of the river, an Englishmen, covered with wounds, was found at the door of his house. The dying settler, with the dead body of a friendly native at his side, declared he was attacked by hostile tribesmen. Thereupon, the Virginians, under the leadership of Colonel Mason and Captain Brent, lost no time in organizing a force to avenge the murder; nor did they regard boundary lines between the colonies when the trail led them northward across the Potomac. With one party, Captain Brent surrounded a wigwam of the Doags. Without waiting upon legal processes, Brent and his men shot down the chief and nine warriors, although they spared the life of an Indian boy who was with the party. Colonel Mason's detachment surrounded a second wigwam in similar fashion, and fourteen Indians were shot down before a chief managed to inform Mason that he and his men were "Susquehannocks and friends. "This chief and his warriors disclaimed all knowledge of the murders committed and put the blame therefor on the Senecas.

The punitive expedition ended at this point; but the outrages continued after the militia were dispersed; and again the Virginians sought swift and summary vengeance.

For their part, they were not willing to listen to any further protestations of innocence and held that the Susquehannocks were at least a party to the raids, which were contemporary with their appearance and stay on the border. It will be recalled that the Maryland settlers had frequently complained of their inability to distinguish friendly Indians from hostile ones, and for that reason had insisted upon special provisions in the treaties with the various tribes whereby an Indian had to make his identification sure before appearing on the white man's land by making signs, signals, and methods of approach. The Virginians, having had no such carefully conscientious Proprietary to insist on equitable dealings with the natives, and who maintained bitter memories of two great massacres, did not attempt any sharp discrimination. Murders were murders to them, and the Indians—all the Indians within reach—were to pay the penalty. On this occasion, the Virginians persuaded the Marylanders to make a joint attack upon the Susquehannock fort. Colonel Mason was again in command, with a Major Alderton, while Captain Brent was supplanted by Colonel John Washington.

The Marylanders, under Major Truman of the Governor's Council, were accompanied by representatives of no less than five tribes of friendly Indians. They appeared first before the Susquehannocks' fort, September 25, 1675. Upon being spoken to through John Shanks, for many years the leading interpreter of the Province, a number of the Susquehannock chiefs and warriors came forth for a conference. They again asserted their innocence and "showed an old Paper and a Meddall with a *black* [and] *Yellow* Ribband thereto." This they declared was given to them as a pledge of peace and token of amity and friendship between themselves and the whites "as long as the Sun and Moone should last." They again accused the Senecas of the Murders of the settlers and, at Major Truman's suggestion, their runners agreed to accompany the Maryland horsemen in pursuit of the Senecas,

who, they said, had several days' start and were probably at the head of the Patapsco. Thereupon Major Truman, according to report, promised that no harm should befall them; and some of the chiefs remained with the Marylanders.⁵

In the meantime, the Virginia forces had arrived upon the scene and acquiesced in this decision; but, unfortunately, Captain John Allen, whose patrolling of the Maryland frontier was a matter of debate in the Assembly,⁶ returned the following morning, bringing in the bodies of some recently slain settlers, if we so interpret the expression used in the report of the Lower House of the Assembly. "Some of the most considerable of the said witnesses" testified that: "At the sight of the Christians murdered at Mr. Hinson's," the soldiers, "as well Marylanders as Virginians," broke out in storms of rage; and Colonel Washington and the other Virginia officers demanded that the Indians be "knocked on the head." It was further testified that to this decision Major Truman finally gave consent; whereupon five Indians, who had voluntarily stayed with the settlers, were found and executed. The remainder of the Indians were besieged in their palisaded stronghold, but held out against attack for a period of six weeks, finally escaping by night when their supplies of food gave out.⁷

The Langworth child-murder well illustrates the ever present Indian menace that hung over the lives of women and children, even when men were within calling distance. As the story was brought out by witnesses before the grand jury of October, 1665, it appeared that on August 17, Mistress Agatha Langworth, being ill, was aroused by four Indians, one of whom burst through the door and past Lucy Good. As the latter told the tale, the "Dogge keeping a barking att him, hee made some blowes att itt . . . and made a back blowe att her with a Tomahawke," which barely missed her. Evidently the weapon was thrown, and for some reason the Indian "retreated backwards," when all the Indians went "round

about the house two or three times." Mrs. Langworth was perhaps safe; but fearing for the safety of the children, she opened a window and called out for help. She heard the little children cry from the cornfield: "Good nindians! good nindians." This, as it turned out, must have been a pathetic, though unavailing, appeal inspired by terror. Elizabeth Brumley, who was with the children, testified that she strove to get them together, who did "cry Extraordinarily, and this Deponent called the Boy John and sayd Peace, Jonny. Then this Deponent turned about and saw Fower Indians, making towards her, Two of which Indians was that Indian called Bennett, now in custody, as allsoe that Indian called the Fisherman, But for the other Two shee did not know; and that the aforesaid Bennett did then make towards one of the Children, which was a Boy, and knocked him downe with his Tomahauke, Whereuppon shee askd him in Indian *Kaquince machissino Chippon*, why hee did soe? Who answered in Indian, Because hee would. Uppon that this Deponent run away with the Girle, and this Indian Bennett made after her, shooting Arrowes, but missed her, and came up to her with the Boyes head under his arme, And shee saw the old Fisherman passe her, and this Indian Bennett came into the weeds and lay downe the Childs head and sayd in Indian *Pops innahayo* A woman with Child, and struck att her with his Tomahawke, three times, which made three Cutts in her Cap and two cutts in her head, and there-uppon left her for Dead, and further this deponent sayth not."⁸

The rest of the Langworth family were saved by a fortunate chance. Two neighbors, who had been working in a tobacco field, had stopped to smoke a pipe and discuss evidence of a hostile matchcomico at the Pascattaways. The nearby Indians, they noted, had departed their village, which, they averred, gave foreboding of trouble. As they talked, they heard the Langworth dog bark, followed shortly

by Mrs. Langworth's cries for help. Thomas Hailings then testified that:

They all runne as hard as they could drive, and Bennett Marchegay tooke his Broad Axe in his hand; And it was this Deponent's fortune to gett a little before the rest, And when this Deponent came into the Plantation, hee saw Fower Indians pursuing Elizabeth Brumley, Mrs. Langworths mayd, shooting after her with arrowes, Amongst which Indians this Deponent doth declare that the Indian now in Custody by name Chotyke was one of them that shott after the mayd, But for any of the other Three this Deponent cannot say hee knew any of them, having noe time to persue them, Then this Deponent hollowes, uppon which the Indians runne back to the top of the hill and shott about halfe a score arrowes att him before any of the rest came up to him, Then after they were all come up, These said Indians shott about fowrty arrowes att them. Then this Deponent made up to recover the howse, which they did hinder by comming betweene him and the howse, in which time this Deponent with the rest did enspect John Gabinnett with a Gun [whereupon] came up Mrs. Langworths eldest Girle being chased before by the said Indians, Then the Indians all fall a hollowing, and running downe the hill forced them back againe to Bennett Marchegays Plantation, And when they desisted in pursuing them the aforesaid Indian Chotyke shott an arrow att this Deponent, which hee did defend with a Tobacco stick in his hand, when they mett with John Gabbinnett with his gun whereupon they all run away, and further this Deponent sayth nott.⁹

Two of the Indians were caught and the grand jury returned a presentment. This being read at their trial, there followed the brief notation: "The Judgment of the Board—murther."¹⁰ Several months later, there appeared before Governor Calvert and his Council "Naucotamon, one of the Great men of Mattawoman," who asked if it were the Governor's pleasure to have his nation "Remove further off into the woods or to remain upon the land where they now or lately lived." After due consultation, the Council decided

that it would accord better with public safety for the Indians to remain upon their old plantations until further order, on the theory that the savages would thereby be more under control. In pursuance of this decision, the council created one of the earliest of Indian "reservations," nearly all of which reservations established decade after decade, from the Atlantic seaboard to the Pacific coast, were subsequently overrun in the irresistible march of the white settlers. In this first reservation of note, it was: "Ordered that their land be with all Convenient speed layd out for them by Certaine meets and Bounds, within which noe English man shall take up any land," and "that no English man shall seat for the future in any place within three miles of the Indians in Charles County without express Order of the Governor and Councell first had."¹¹

The heroic deeds of women settlers are tersely given in the records of the Council Proceedings, or in the Proceedings of the General Assembly. Others, as elsewhere stated, are mentioned in connection with Court and Testamentary Documents, chiefly as they inherited property or were made executors of their husbands' estates. A fairly complete record of the conduct, both heroic and humane, of the wife of Richard Enock, an early settler in Baltimore County, offers a typical narrative.

In February, 1688, Colonel George Wells addressed to his Lordship's Council a letter in which he stated that on the fifteenth of the month two Nanticoke Indians had "assaulted Richard Enock and Francis Freeman, of Middle River in the County of Baltemore, and much wounded both of them; and the said Enock's wife coming to assist her said husband, they also much wounded [her] with their tomahawks; and the said Enock is dead of his wounds and the other two dangerous bad." Such is the brief and unemotional account of a frontier tragedy. A few days later, Colonel Wells gathers further information and writes again to the

Council as to the origin of the difficulty. From this it appears that the Indian family to which the murderers belonged had complained that Enock's pigs had eaten their corn; whereupon in retaliation, the Indians "did do prejudice to Enock's stock by cutting his pigs' ears off and tails." When Enock's wife spoke chidingly of this, the Indians replied that "the Englishmen would not chide nor scold when they killed the Nanticoke Indian last spring."

Evidently, the savages continued to brood over their grievances; and one of them, the night before the murder was committed, "fell upon the said Enock as he was beating [corn] at the mortar," and Enock's wife, rushing to the defense of her husband, "stroke the said Indian with the pestle and broke his head." "Thereupon," continues the testimony, "the fray ceased." The Indian had been knocked unconscious; and, despite his murderous attack, Mrs. Enock bound up his head and sent him on his way. The next morning "the brother of the wounded Indian came with another and fell upon" Enock and Freeman as they were at work. Seeing her husband and his companion hard set with the Indians, Mrs. Enock ran to their assistance, "who, at her first coming, was by one of them knocked down with such a stroke that she came not to herself till they had given her husband his mortal wound and left the other for dead."

A few days after the murder was committed, the energetic Colonel Wells had learned the names of the murderers; and a neighbor, Mr. Francis Watkins, had gone to the "cabin that the Indians belonged to;" but the Nanticokes, threatening him with their weapons, would not let him enter. He then went home and "raised a file or more or men;" but Anna-chokill, who "did the murder," with Sonan, also called James and Pomptacus, his accomplice or companion, fled to the Susquehanna, where it was supposed they would stay "till the bark will peel [so] that they can make canoes to go over to the Northern Indians." The Council then directed

that Mr. Francis Jenkins, Sheriff of Somerset County, and six of his neighbors should "attend the Emperor of Nanticoke" and demand that the murderers be delivered. On March 24, the Emperor expressed his sorrow over the occurrence and, subsequently to the holding of a great "matchcomico" or powwow, promised the utmost diligence in securing the culprits. At the matchcomico, some of the Indians expressed doubt that any murder had been committed; consequently, early in April, the request was made, through the sheriff, that the grave "be opened to satisfy the Indians that the said Enock was really dead and buried." Thereupon, Major Thomas Long, Sheriff of Baltimore County, was ordered to comply with the request; but the Council directed that he was to let the Indians "understand that the request is granted them, as being the first that was required in this nature; but, for the future, they must not expect the like, but give more credit to the sayings and assertions of the English."¹²

Apparently, the great spaces of the American forest of 1689 were not safe for the two wandering Indians. Perhaps they feared facing capture by their Northern foes more than the white man's vengeance; or it may be they were actively pursued under orders from their werowance. In any event, in May, the Council received a letter from Sheriff Jenkins to the effect that the Emperor had announced the capture of "Annachokill and Pomptacus." "The Emperor," it was stated, had been "loth they should go to prison, offering his life for them that they should be at the Court at any time that the English should appoint;" but this appeal did not prevail; and the Emperor delivered up the prisoners with the simple request that "they might be well used in prison." The wish was also expressed that accommodations be provided at St. Mary's City for himself and "some few of his Indians," who desired to be present at the trial, to which request the Council assented.

In February, 1692, the Provincial Council ordered the erection of three forts on the frontiers of the colony, an enactment which led to the founding of the first circulating library in the American colonies. The forts were strategically placed and it was stipulated that the "soldiers were to keep continually ranging between one another."¹³ To provide for the leisure hours of these wide-flung guardians of the public safety, a number of books were provided for their use; *viz.*, "2 Holy Bibles, 2 bookes of the Whole Duty of Man, 2 Books of Catechism, a Brief Discourse on the Whole Duty of Man." Half of the Rangers, clad in green, were to leave the fort on Monday morning and until the following Saturday range the frontier forest from the Patapsco to the Susquehanna, with the other half alternating in their turn.

Returning to events more particularly in the field of this narrative, it may be said that those who hold that the rights of William Claiborne were violated in his eviction from the Calvert grant may likewise claim that justice triumphed a half century later when William Penn encroached upon the Maryland domain from the North. Where Claiborne lost, Penn won; and the claims of both rested upon the phrase, *hactenus inculta*. Certainly the wisdom of Cecil Calvert in remaining in England was vindicated by the outcome after his death; for it may well be questioned whether Penn would have received the grant in the form he did receive it, had Cecil Calvert been living and present in England to look after his interests; or if his son and successor had been a resident in the mother country. In the absence in America of Charles Calvert, Barnaby Dunch and Richard Burk, the English agents of the second Proprietary, appear to have bungled their work in that they failed to state clearly and specifically that the northern boundary of Maryland lay at the fortieth degree of north latitude.

With the specific recommendation of the Duke of York, Penn secured his charter on the 4th of March, 1681, and at

once prepared to take possession. In the Pennsylvania charter, it was stated that the new province shall be bounded "on the south by a circle drawn at twelve miles distance from New Castle, northward and westward unto the beginning of the fortieth degree of northern latitude, and then by a straight line westward to the limit of longitude above-mentioned." When the circle conception was propounded, it may have been the belief of those who originated it that New Castle was nearer the fortieth parallel by forty or fifty miles than it actually was; and yet, says Professor Mathews, in his exhaustive and thorough analysis of all the points at issue: "Through the energy of Lord Baltimore, Augustine Herrman had prepared an excellent map of Maryland, and a copy of this, which had been printed and distributed in England in 1674, had been filed by Lord Baltimore with the Privy Council in March, 1678. The confirmation of Lord Baltimore's charter of 1661, just prior to the granting of lands to the Duke of York and the attack upon the Dutch, and the presence of Herrman's map in the archives of the Privy Council as a record of Lord Baltimore's boundaries, really left little ground for honest ignorance."¹⁴

The view of the confusion of opinion as to the location of the fortieth parallel, in regard to its relation to the Chesapeake and Delaware Bays, receives additional support from the references in Lord Baltimore's letters to the reports which certain "masters of vessels" were secretly making to Penn at the latter's request or direction. The alternative interpretation would lead us to believe that either Penn or his agents deliberately created confusion in the terminology of the Penn charter in order to found a claim to territory that Herman's map showed was within Baltimore's grant. The Duke of York had tenaciously held the territory about New Castle, whence the Dutch had been expelled, despite the protests of the Maryland Proprietary. On the other hand, a note upon one of the *Calvert Papers* shows that the English colon-

ial officials at New York expected orders at some time or other to surrender New Castle and the settlements below the 40th parallel to Lord Baltimore. In any event, Penn gave a commission to his kinsman, William Markham, to take to America the order from the king requiring the two proprietaries to adjust the boundary line between their provinces. Markham arrived at Upland (Chester) in the summer of 1681; and according to his instructions, Penn's deputy-governor visited St. Mary's City.

The story of the long-drawn-out negotiations between William Markham and Charles Calvert need not be given here. Markham fell ill at St. Mary's City and Calvert had him cared for in his own house until he had fully recovered. Subsequently, the Maryland Proprietary returned the visit, and surveys were made, which clearly showed that New Castle was far below the fortieth parallel, a point Markham was unwilling, officially at least, to admit. Penn, however, aided by the Duke of York, was determined upon getting control of the Delaware river. He was not, as he contended, moved by greed for land but because of his absolute need of water. In any event, the new Proprietary arrived at Newcastle in October, 1682. After paying his respects to the Duke of York's representative on the Hudson, he first formally took possession of his province west of New Jersey, and then proceeded to "accomplish an act of union" between that part of his domain and the "Three Lower Counties" on the Delaware. Having thus taken preliminary steps in the establishment of his claims, Penn was now prepared to meet his rival. Accordingly, on the 13th of December, 1682, he and Charles Calvert held a conference at Colonel Tailler's house in Anne Arundel County. The proceedings of the conference were taken down "in short hand by the clerk of the Assembly in Maryland," John Llewellyn.¹⁵

Any attempt to take up the points in the order that they were made by the principals would prove extremely tedious;

for the line of argument as frequently as not leads up a blind alley, or else the reasoning proceeds in circles, and we soon find ourselves back at the starting point. On the one hand, it is evident that Penn believed his province would be strangled if he did not have free access to the sea; and, therefore, he could not yield to Maryland what was plainly set forth in the charter of that Province. On the other hand, it was equally evident that Lord Baltimore believed that *any* admission or concession he might make to Penn could and would be used by the Privy Council to invalidate his claim to the whole of his inheritance. Stenographer Llewellyn has recorded the following verbatim statement of the Maryland Proprietary in reply to persistent efforts of Proprietor Penn to avoid the plain conclusion as to the deadly 40th parallel:

Lord B. It is not to deprive Mr. Penn of an Inlett to his Province but my interest which makes me argue this much; for should I consent to take that for my bounds which in truth is not would be a meanes to destroy the very foundation of my Pattent, which you cannot blame me if I be not soe forward to doe.¹⁶

At another point, Penn recurs to his periodically-produced threat of the exercise of autocratic power by the king:

W. Pen. Then thus, in short, I have here produced the King's letter, in answer to which the Lord Baltimore sayeth that he will rather abide by his Pattent, which is under the great seale, than to the bare contents of a letter.

To which Calvert, knowing that Penn's question, as well as his answer thereto, would be reported to the king, possibly in a distorted connection, replies:

Mr. Pen, were it your case, would you not stick to a Pattent soe plaine as mine is?

To this his distinguished rival is almost compelled to admit:

I doe not blame the Lord Baltimore; it may be I should doe the same as he does.



LEONARD CALVERT, FIRST GOVERNOR OF THE PROVINCE OF MARYLAND

With nothing practical accomplished, the conference broke up; but it is worth noting that neighbor Penn, escorted by Lord Baltimore, rode off to attend a meeting of his fellow Quakers then being held in the Maryland province.

The two proprietaries met again at Newcastle in the following May, (1683). With a few variations only, the former proposals were threshed over; and it is at this stage of the argument that some of the supporters of Penn bring forward his remarkable suggestion that Lord Baltimore's patent really called for a strip of territory that extended from Watkin's Point up to "*the beginning of the fortieth degree,*" by which was meant the line of the end of the thirty-ninth degree. If we measure George Calvert's Palatinate by this interpretation, the Province of Maryland would have represented a small irregular strip of land with its western terminus on the Potomac about twenty miles north and west of the present city of Washington. It apparently made little or no difference to those who advanced this seemingly preposterous argument that, if the western bounds of Maryland were to end at the 39th parallel, the terms of the charter relating to the westward extension of the Province to the farthest source of the Potomac would be utterly meaningless and as impossible of fulfillment as having the proposed Newcastle circle meet the fortieth parallel.

During the progress of the negotiations, Penn offered to purchase enough land from Charles Calvert to give himself a harbor or seaport. Here was a fair suggestion, which offered promise of a fair exchange. It would seem, however, as if some fate or destiny had decreed that William Penn and Charles Calvert should not reach a mutually satisfactory settlement. In regard to this, Professor Mathews writes: "This was a new proposition on the part of Mr. Penn which apparently waived all instructions in His Majesty's letter, and admitted the position of Lord Baltimore as to how the limits of his territorial grants should be determined. The proposal was apparently an attractive one to Lord Baltimore,

and he wished time to think it over. Penn, however, would allow him but a single day. On the morning of the 30th, Baltimore apparently declined the proposition, offering in its stead some other which was equally unsuccessful; so the conferees parted, having accomplished nothing definite beyond the recognition of their differences."¹⁷

Perhaps it would have been best for all concerned had Baltimore agreed with his adversary whilst he was in the way with him; but the third Lord Baltimore possessed no little of the peculiar pertinacity of the Calverts without the diplomatic gifts and power of his predecessors. The quality that helped to make them successful led him to final failure. It might be said of Charles Calvert that too often he exposed his position unnecessarily to the fire of the enemy. More restraint and reserve would have served him well. At times he indulged in intemperate expressions about his adversaries, which expressions returned to plague him. Perhaps, again, as a Pennsylvania historian declares, Charles Calvert should have cooperated in a laudable desire to settle and develop the country; but Charles Calvert was not merely an individual landlord; he was the responsible head of an established colony. He represented not only his own interests, but the interests of what was, for practical purposes, an autonomous state. He was contending for what he regarded as his rights and for his heritage. Lord Baltimore could not be expected to give up his land on the strength or weakness of a wrongful or mistaken grant made even by the king or through the king's brother. "But," says historian Fisher, of Pennsylvania, "all compromises were refused by Baltimore. He fancied he saw great acquisitions of territory; he was determined on having Maryland, Delaware, and a large piece of Pennsylvania; he urged the vague and absurd descriptions in his charter to the utmost, and on him is the responsibility for the eighty years of wasted time and money, the enmity and bitterness, and the strife and bloodshed among the settlers near the

disputed line.”¹⁸ On the other hand, says historian Browne, of Maryland, Penn began this grievous strife; for, before negotiations with Baltimore were initiated, he “wrote a letter to Herman and other Marylanders at the head of the bay, inviting them, with an abundance of fine promises, to acknowledge his government, cautioning them to pay no more taxes or levies to Maryland, with a covert threat of his ‘power with his superiors’ in England in case of their contumacy, and concluding with a characteristic twang. He hopes ‘that we shall doe the thing that is just and honest, according to our respective stations.’ ‘Which,’ he adds, ‘is allwaies wise.’” Browne also has the following caustic comment to make upon the famous interview between the two proprietaries in December, 1682 (*supra*):

Baltimore said the simplest plan was to take a good instrument and fix at once the fortieth parallel; and then turning on Penn, asked him how it was that, whereas formerly Penn had told him that the Duke had offered him Delaware, and he had refused it because he knew it was Baltimore’s, now he had taken possession of it? Penn begged that they might return to their former discourse. After wearisome iteration of his proposal to take a measurement from the capes, Penn broached a proposition which makes one suspect that he was not now so sanguine in his hope that all would do the thing that was just and honest. It was that Baltimore should take his southern boundary thirty miles lower, thus robbing Virginia of a strip of the narrow peninsula for the sake of giving Penn a tract reaching from the Delaware to the meridian of the first fountain of the Potomac. Naturally, Baltimore rejected this extraordinary suggestion, that he should not only rob himself, but break the eighth commandment and his charter for Penn’s benefit, and the conference closed.¹⁹

From these quotations it would appear that if one were to accept the arguments on both sides, the reputation of both Proprietaries would be irrevocably wrecked! In defense of both, Penn established a government and founded a province

on a high plane of excellence in ideals and procedure; but it appears that, in this particular business, he was caught on the horns of a dilemma. He had, in respect to a portion of his grant, obtained what he must have realized was at least a doubtful or false claim to property granted to an earlier proprietary. When he first accepted the grant in payment for the debt due him by the Crown, it is charitable to assume that he was under the impression that the Delaware bay was considerably farther north. After failing to reach any agreement with Lord Baltimore which would give him what seemed to him essential to the success of his enterprise—the control of an outlet to the sea—William Penn took advantage of the time and occasion to get out of the dilemma by means of his superior influence at Court. It should be remembered that in those days the primal precept of diplomatic agents was that the other side, regardless of right, must be pressed to the utmost.

Despite the animadversions of some commentators, there is very little in Charles Calvert's dealings with Penn that may not properly be called straightforward. What Charles Calvert's heirs and successors did in subsequent years is another matter, unless we grant that they were then justified in any attempts to postpone or evade a settlement based upon the unprecedented decision of the council of James II. It is true that Charles Calvert did not obey the royal orders and coöperate promptly in carving out Delaware from territory that had been a part of his grant; and it appears that he (or his counsel) was guilty of quibbling over the technicalities of legal procedure before the royal council in 1709; but the unpleasant character given him by some of the partisans of his opponent is certainly not warranted by the facts or the evidence.*

* In the authoritative and impartial work of Professor Mathews, (*op. cit.*, p. 131) we read in regard to this: "It is not quite clear what Penn meant by this proposal, but the impression left is that Watkins Point (37°-55') and 38° were consid-

By way of another approach to an understanding of these complicated and long-drawn-out contentions, it may be stated that after the second interprovincial conference of May, 1683, negotiations between the two proprietaries reached an impasse. The matter was consequently referred by Penn to the Privy council, which, in 1685, reported that as far as the Delaware peninsula was concerned,—where Penn claimed a grant from his patron, the Duke of York, now become James II,—the land thereon should be divided between the rival claimants by a meridian line running north to the Delaware Bay from the parallel of Cape Henlopen, which was subsequently defined not by the true Cape, but by the “False Cape,” situated some twenty miles to the south of the mouth of the Bay. Under this interpretation Lord Baltimore lost an additional slice of territory westward and southward from the true cape. Such was the origin of the colony of Delaware, eventually carved in its entirety out of the grant to George Calvert.*

* “When it was a question of dealing with the Dutch, they were no settlers but unlawful intruders; but when it was a question of robbing Baltimore to gratify a royal favorite, then the Dutch were settlers and their occupation valid,”—Browne, *Maryland the History of a Palatinate*, p. 143. The Privy Council did not pass upon the east-to-west boundary between Maryland and Pennsylvania. In January, 1709 (N. S.), and again in May of the same year, Charles Calvert petitioned Queen Anne to have the Delaware decision reconsidered and revoked. The matter was debated before the Privy Council by both proprietaries; but Penn emerged victorious, and it was clear that the ascendancy of the Calverts at the English Court had waned.

ered as the same and that the position of $37^{\circ}-30'$ was a point to be measured from the Capes as proposed later. . . . Lord Baltimore had already stated his decision that the correct way to determine the position of his northern boundary was by making an observation for latitude at that point.” Professor Mathews’ planimeter computation of the territory taken over by Penn south of the fortieth degree north latitude and above the present northern boundary of Maryland shows an area of 3,368.98 square miles—about one third of Maryland’s gross area. With the territory taken by Virginia (West Virginia), because of the mistake as to the “first fountain of the Potomac,” it will be seen that Lord Baltimore’s Province was deprived of an area almost half that of the modern State. That William Penn was also cognizant of the weakness of his Delaware claims is shown in the letters still extant of James Logan, a loyal representative of the Penn heirs.

It is necessary here to consider some of the details of the negotiations between Penn and one of Charles Calvert's lieutenants. When Charles returned from England after his father's death, he was accompanied by George Talbot. By his activities in the Province, Talbot not only gave offense at Court, but afforded the Proprietary of Pennsylvania a weapon which the latter used with good effect to discredit Lord Baltimore's cause. Shortly after his arrival in Maryland, Charles had given this warm-hearted but impetuous and hot tempered Irishman a fine estate, which the Proprietary had named "Susquehanna Manor" but which Talbot changed to "New Connaught." This estate extended east and west from the North East river to the Octoraro and from the Chesapeake Bay on the south into the limits of the present State of Pennsylvania. Evidently, he was to be to the Maryland Proprietary what the Lords of the Marches had been to the early English kings. In 1684, Charles Calvert again left for England to defend his charter. Before departing he made his son, Benedict Leonard, Governor of the Province. Since, however, Benedict Leonard was a minor, the Proprietary appointed a board of Deputy Governors, of whom George Talbot was president. At the time of his appointment, Talbot had been a member of the Council and (1683) Surveyor-General of the Province. William Hand Browne is probably correct in saying that very likely he "carried matters with a pretty high hand in the region about the head of the bay, where he built a fort not far from New Castle, and garrisoned it with a band of Irish retainers."²⁰ Subsequently to his running a curious line from the mouth of Octoraro creek to Naaman's creek on the Delaware, Talbot went to see William Penn at his headquarters on the Schuylkill with the peremptory demand that the Pennsylvania Proprietary yield "all the land upon the west side of Delaware river and bay, and the seaboard side to the southward of fortieth degree of northerly latitude, and more particularly all that part thereof

which lieth to the southward of the marked line aforesaid,"—the latter being part of the border of what Talbot was pleased to call the "County of New Ireland."²¹

Colonel Talbot arrived at Penn's headquarters in September, at the very time of the year when Colonel Utie, his predecessor, on a similar mission, had arrived at New Amstel. Penn, however, was absent, and again a parallel is presented in that Penn's agent, Nicholas Moore, like Beekman and Alricks, declared he could not make any decision upon so weighty a matter; and that it would have to be referred to Penn, just as Utie's demand had to be referred to Director General Stuyvesant. When Penn learned of this visit and demand, he wrote a lengthy complaint under date of October 31, "which," says Professor Mathews, "by its pettiness and perversion of previously recognized facts, adds nothing to the lustre of his reputation. It is, moreover, marked by a disingenuousness which certainly did not increase the freindly feeling between these contesting proprietors."²² This visit, with Talbot's demand and Penn's reply, was followed by an interview between Talbot and Penn, in which Penn accused Talbot, precisely as Stuyvesant had accused Utie, of endeavoring to cause disaffection among the settlers by pointing out the claims and superior advantages of Maryland. The principals in the argument that followed, although neither was an advocate at law, showed a surprising acquaintance with legal procedure and precedent. The record begins:—

After wee had Sate a minute or two. And the how do you's being over Colonel Talbot began:

Sir, I came to town accidentally and being told that your honour was here, I thought it the duty of a Gentleman to come and pay my respects to you.

Wm. Penn. I give Coll Talbot many thanks for his kindnesse. . . . I am told that on Coll Talbots returne from Philadelphia, he did. . . . use perswasions to certaine Sweades and Finns to remove

into Maryland and live under the Lord Baltimore. Now the question is whether Coll Talbot did this or did it not.

Talbot. Sir, I will not disowne my owne act. I certainly did it, for finding several of them much dissatisfied, and declaring their discontents to me, I thought I should be very remiss if I omitted soe faire an occasion of serving my Lord Baltimores interests; and 'tis certaine I did not make it my businesse to Lessen their feares, nor doe I see how it may be faulty in any man to tell them the truth that theres better Land and Cheaper rents and greater Incouragements for poore men in Maryland than in Pensilvania.

Penn. . . . But who were those persons that told thee they were dissatisfied with my Government for I think I give none any occasion to be soe.

Talbot. I am not willing to turn Informer, nor would my Lorde Baltimore Expect soe meane a Service from me.

Penn. Thou needst not, for I know who the men are, and they themselves were the first that told me of it; But (as I said already) all this was beyond the Comission thou didst shew at Philadelphia. Hadst thou any Comission to Invite persons out of my Country into Maryland? If thou hadst, I hope thou canst produce it, and if thou canst not, I am to Looke upon thy actions then as the act of a private person acting of himselfe, and not of an officer acting by Commission.

Talbot. I had noe particular Comission to that purpose in writing, but I have a generall written Comission to use my best Endeavors to gett the County of New Ireland planted and Inhabited, and to Invite people thither from all parts, by Vertue of which a Lone I may Justifie what I did and I had Likewise private directions from my Lord to give all reasonable Encouragement to such persons as may be willing to remove out of Pensilvania into Maryland.

Penn. Are those Instructions writte?

Talbot. It is not necessary that any of your Councill should have a written warrant under your hand and Seale for every Service they are order'd to doe for you, but 'tis Enough that you bid them doe it.

It was one thing for Colonel Utie to threaten war with the Dutch for encroaching upon Lord Baltimore's Palatinate

and quite another thing for Colonel Talbot to threaten an English proprietary with a show of force, especially when the latter stood in high favor at the English Court. In this respect Talbot may be said to have gone further than was prudent; even had the sequel not been disastrous for his principal because of the events that immediately followed, in which Talbot involved himself in the killing of a Crown official. This, in turn, dangerously involved the Proprietary, in that Lord Baltimore had had long standing differences with the officer and had been rebuked by the king and his advisers for alleged interference with the duties of that official and for libel of his character. It so happened that this revenue officer, Christopher Rousby, had originally been appointed by the Crown through the solicitation of Lord Baltimore himself. Rousby did many things that gave offense to the Proprietary and he appears to have defied Lord Baltimore. In the mass of conflicting and irreconcilable testimony, it is, perhaps, impossible to ascertain the whole truth; but it is clear that Lord Baltimore denounced Rousby in unmeasured and perhaps reckless terms, as knavish, insolent, lewd, "the most prophane Fellow in the whole Gov't," a rogue, "a traitor to the King," and "an Evill or rather a Devill." Since Rousby had the ear of the King or of the Lords of Trade and Plantations, these expressions not only brought forth a royal reprimand; but, on the counter accusations of Rousby,—then in England conferring with high officials, who supplied him with advance copies of Lord Baltimore's charges,—the Proprietary was accused of obstructing the proper collection of the royal revenues. Consequently, Lord Baltimore was called upon to pay a heavy fine. In addition, the institution of *quo warranto* proceedings threatened to dispossess him of proprietary or political control of the province.²³

In any event, on October 31, 1684, Talbot, then acting governor of the Province, visited a vessel on the Patuxent, viz., "his Majesty's ketch," the *Quaker*. The purpose of his visit is not certainly known, but Christopher Rousby was on

board. Talbot became engaged in an altercation with Captain Allen of the ketch and, presumably, with Rousby also, in the course of which the deputy governor fatally stabbed the king's collector of customs. In view of the hostile frame of mind of the royal council and committees, this unfortunate event seemed made to order to further the schemes of Lord Baltimore's opponents. Although, no doubt, both parties were to blame,—and it is quite possible that Talbot killed Rousby in defending himself,—the whole affair came to the ear of the king through sources inimical to the Maryland proprietary. In the report, Talbot was accused of “denying the King's jurisdiction” in Maryland, and “without any just Provocation, embracing the said Rousby, [he] stabbed him with a dagger newly prepared and sharpened, whereof he immediately dyed.”

The Captain of the *Quaker* put Talbot in irons and took him to Virginia, whence his person was demanded by Lord Baltimore for trial in England, whither the Proprietary had gone and where he thought the facts in defense of himself and his kinsman could be best brought out under his supervision. Although we know but little of Talbot's side of the case, particularly since Lord Baltimore was facing *quo warranto* proceedings in England designed to annul his charter, it appears that Talbot's act aroused no great feeling of indignation among the people of the Province; and it is quite possible that the Virginians sympathized with the prisoner thrust upon their keeping, regardless of the attitude of the royal governor of the Old Dominion. Talbot, however, escaped immediate execution, had that been intended, through the courageous act of his wife, who, in a small skiff manned by but two faithful retainers, proceeded from the Susquehanna to his Virginia prison and succeeded in rescuing the prisoner. Afterwards, Collector Blackiston complained to his Majesty that Talbot moved about freely in the Province, and that his adherents were busily extenuating the crime of “the bloody

Malefactor." This, however, Lord Baltimore declared was untrue; that Talbot had fled to the northern hill country, whence he had at last emerged; and that voluntarily he had given himself up for trial. As the king's customs collectors, in the self-governing Province of Maryland, were most unpopular, not only because of the nature of their official duties, but also because of the undoubted arrogance of some of them, it is doubtless true that the majority of the people would have gladly cleared their belligerent fellow-settler, had they dared, long before he was finally pardoned by the Crown.²⁴

The immediate personal argument with William Penn concerning the boundary ended, for the time being, when the decision of the Privy Council was announced; but, as previously stated, the border settlers kept up the controversy, some in defiance of both governments, for seventy or eighty years. When the decision of the Privy Council was made known, Charles Calvert showed the determination characteristic of his predecessors. On the first of December, 1685, with no little daring and independence of spirit, he wrote to his council in Maryland:

But I hope that ere it be long, I shall be able to obtain of his Majesty that at least no more land may be taken from my Charter, than what is actually cultivated on Delaware; for it was once the opinion and (as I was very well assured) the resolution also of several of the Lords of the Committee that what of those lands were uninhabited should still remain within and belong to my grant; but it was afterward carried by some few against the rest of the Board, so that I must have patience for a little time, no wise doubting but to find some way to inform his Majesty of the prejudice done me by this order. In the meantime, I desire and hereby order you to take care to prevent Penn's people from making any settlements near heads and branches of any of the rivers that fall into Chesapeake Bay, and to encourage the inhabitants of my Province that have already surveyed lands in those parts to seat them in my right as

soon as they can, and particularly to take care the Penn-Sylvanians make no further encroachment on the lands where Colonel George Talbot was seated, and to secure the fort near Christiana Bridge until you hear further from me, being resolved, notwithstanding this order to keep possession of what is surveyed, and to be on the defensive part, rather than be forced to complain. Let me therefore desire you to be careful that our neighbors break not in upon the heads and branches of my rivers on the Eastern side, and then I shall in a little time contrive it so that the Division which is ordered to be made shall be no great prejudice to me nor my Country.²⁵

The change from an established régime to one that is hostile has usually been beneficial to those who had suffered under the one overthrown. This, however, did not prove so in the case of Lord Baltimore's dealings with James II's successor William III; and the overthrow of proprietary government in Maryland, with the causes that led up to it, both in the province and the mother country may now be taken up in due order.

CHAPTER XV

THE END OF AN ERA

BY WAY of summarizing the events of the preceding chapter, it may be said that the overthrow of proprietary government was the resultant of sundry causes running through the latter part of the reign of Charles II, the whole of that of James II, and the beginning of the rule of William and Mary.

Without a single deviation of purpose, Cecil Calvert had striven to maintain the ideal of a civil régime that should confine its functions to the temporal welfare of its people. He was determined not only that the government should refrain from guiding, or interfering with, religious practices, but that no religious organization should have a part in the direction of civil affairs. The difficulties involved in holding fast to this conception were enormous, and the pressure brought to bear to make this or that breach in the wall of its observance was continuous for the entire time of his proprietorship—a period of over forty years. First, we note the attacks of his political foes in England, acting under the promptings of officials of the Anglican church and state. Some of the opposition, and the most dangerous part of it, was sincere, in that it originated in genuine distrust of the Lords Baltimore as the proponents of the church associated with the governments of the hereditary and contemporary enemies of the British state. Bigotry, a principal curse of the age, marched under the banner of national safety; as in all countries of Europe it likewise had enlisted under the sign of the Cross. Mercenary motives played a part in this antag-

onism to the Calverts, in addition to individual jealousies and the ambitions of political factions.

In his day, so few, indeed, could understand or appreciate the completeness of the Great Experiment of Lord Baltimore that some of his most grievous difficulties sprang from his nearest of kin and the best of his collaborators in the founding of the Province. Men who heartily supported his original ideal of religious liberty failed to understand some of the implications or applications of that concept. For example, Captain Thomas Cornwallis, while writing earnestly about the Calvert guarantee as to "security of contents," stood fast, nevertheless, with the missionary priests against Lord Baltimore when it came to the acquisition of land by the Society of Jesus in defiance of the terms of the charter that all land in the Province was to be derived directly from the Lord Proprietor, who purposed treating all tenants or civilians thereon alike in relation to their civic duties and obligations. On this point, this sturdy colonial supporter of religious freedom and of local self-government failed to perceive, once the Proprietary granted the representatives of any church temporal exemptions, that the procedure of itself might easily become the breach through which would break the forces of the old order. Cornwallis failed to envision the supreme importance of this complementary feature of the Calvert plan, without which religious liberty was unattainable; *i.e.*, the supremacy of the government in the temporal field. Against the contentions of Thomas Copley, the agent of the Jesuit properties in Maryland, Stratemeier declares that Copley's "fears as to Lord Baltimore's usurping ecclesiastical jurisdiction were unfounded"¹—as unfounded as the apprehension held by some of the Protestants that the Proprietary had in view the establishment of an ecclesiastical hierarchy because of the presence in the Maryland Charter of some age-old terminology about the "Immunetys and Priveledges of Holy Church." Nothing could better illustrate

the limitations of the concept of the excellent Cornwallis than one of his expressions in that portion (here italicized) of a letter to Lord Baltimore in which he revises the reply of Christ to those who sought to trap Him into a statement of political as well as ethical import: "Give unto God," wrote the good Captain, "what doth belong toe Him, and *doubt not but Cesar shall receive his due.*"²

The story of the final settling in the Province of the wandering Quaker, Wenlock Christison, has been presented in a preceding connection, and it may be added that the Quakers disturbed the political and religious status less in Maryland than in any of the early colonies; for after the brief period of repressive measures passed under Governor Fendall, every possible concession was made to their customs. These concessions included exemption from swearing formal oaths in court, from the wearing of their hats before the magistrates, and even in the matter of military service. In 1672, the celebrated George Fox visited Maryland and recorded in his Journal the story of his going from place to place. He held many meetings in the Province and was unmolested by the civil authorities. In fact, he frequently took occasion to rejoice over the presence of magistrates and other officials, some of whom became converts. During this period, Maryland absorbed a large colony of Labadists. These people, originally followers of Jean de Labadie, found little peace anywhere in Europe, including the Netherlands; and, at the time they sent out their pioneers, Peter Sluyter and Jasper Dankers, to look for a suitable place for settlement, they would not have found such a haven anywhere save in Maryland.³

According to their Journal, Sluyter and Dankers landed in New York, where they met Ephraim Herman. The latter became a convert, and led them to his father's place in Maryland, Bohemia Manor. Subsequently, they received a portion of the Herman estate, where they established a

communal colony. This failed, as did so many other such attempts in America and Europe up to and inclusive of the nineteenth century. As long as their colony lasted, however, it was ruled by Sluyter with an iron hand. Although the Labadists held to sundry customs in common with the Quakers, including those of quiet meditation, self-sacrifice, and inspirational prayer, the two sects showed no little antagonism when they met in Maryland, and both have left us highly uncomplimentary accounts of the differences which marked the religious observances and social customs of the other. The Journal of the Labadist leaders relates the religious hysteria of some Quaker devotees as if such actions were characteristic of the Society generally; they affirmed, also, that "the Indians hate the Quakers very much on account of their deceit and covetousness." On the other hand, Sluyter himself was charged with being covetous and avaricious; for when, in less than twenty years, this ostensibly communistic organization split, Sluyter stayed on with the more well-to-do portion and died a rich man, as wealth was reckoned in those days. As Dr. Bartlett B. James has expressed it, he was a man of "almost morbid religious tendencies, yet of strong mercenary instincts;" for the mantle of religious devotion has provided examples, throughout the ages, of supremely unselfish sacrifice with all thoughts of personal gain subordinated, side by side with instances of almost unbelievable avariciousness garbed in the cloak of piety."⁴

It has been said that the Labadists were the first society in America to denounce slavery. Sluyter went further; on his arrival in America he had protested against the system of indentured service; but it may be noted that when he looked upon slavery and saw it was profitable in the raising of tobacco—against the use of which he had also protested—he, too, employed slave labor and used the negroes as harshly as he did his own co-religionists, who, during the coldest winter weather, were denied the luxury of fire in their utterly plain, cell-like, rooms.

At one time or another, the advent of priests or ministers of almost every creed precipitated some kind of political controversy. It was at this period that the followers of John Calvin appeared, or showed notable increase, although "Presbyterians" were named in Cecil Calvert's original instructions. Probably the first Presbyterian pastor was Francis Doughty. Of him, J. W. McIlwaine writes: "It is a pleasure to note that the liberty of conscience which he had so long sought, but sought in vain, Doughty at last found in the liberal religious policy which made Maryland a place of refuge."⁵ The one reference to Doughty in the Provincial Court Proceedings was not, however, complimentary. It was based upon the inquiry of James Veitch, who wanted to know whether Mr. Dowty, a Minister in Accomack," Virginia, would be available for services in Maryland. For some reason the reply of Mr. Randall Revell was sworn to in court that, "He knew Mr. Dawtye would not bee for their turne, for hee knew him to bee a man gyven to many vices, and aespecially to drinking," a statement which may have been both unjust and untrue.⁶ Biographical commentators have seen fit to omit this testimony. Instead, they have gathered considerable evidence to show that Doughty was actively engaged in preaching in Maryland, arriving in the Province in August, 1657. It is of particular interest to note that Doughty, like the Quaker, Wenlock Christison, had sojourned a while in Massachusetts. Protestant dissenter though he was, the Puritans condemned his doctrines and ordered his banishment. In New Netherland, Doughty got into political difficulties; in Virginia, there was trouble with the Anglican Church. Only in Maryland did he find peace and contentment.⁷

Subsequently, however, there arrived the Reverend Charles Nicholet, a Presbyterian divine of militant memory. Nicholet, a newcomer, did not understand, or allow for, the Maryland ideal of separation of spiritual and temporal functions. He soon drew attention to the matter of mixing

religion with politics and to himself in particular when, in 1669, he preached a politically-minded sermon before the House of Burgesses. It was reported to the Governor and the Upper House of the Assembly that "Charles Nicholett, in his sermon on Wednesday last to the lower house," devoted a large part of his discourse to politics, telling the Burgesses what laws they should enact, in the guise of giving them spiritual consolations. Nicholet was sent for by the Governor and the Council; and, after he had been given a hearing, it was:

Ordered that the said Nicholett go to the Lower House and there acknowledge his error in his late sermon preached to the Lower House, in that he meddled with businesses relating merely to the Government; and there to crave the pardon of the Lord Proprietor, the Lieutenant General, and the Assembly, and that he bring certificate under the hand of the Clerk that he has done it in the face of the whole House.

In addition, the House directed that Nicholet should "pay unto John Gittings, Clerk of the Assembly, forty shillings, or the value thereof in tobacco for fees."⁸

After the death of Cecil Calvert, the pent-up flood of complaint as to the prerogatives of the established church not being given recognition in the Proprietary colony began to find effective expression. In 1676, an Anglican clergyman, the Reverend John Yeo, wrote a letter from Maryland to the Archbishop of Canterbury in which, with the customary hyperbole of partisans, he represented the Province as being in a deplorable condition, a veritable "Sodom of uncleanness, and a pest house of iniquity." Yeo stridently drew the attention of British ecclesiastical authorities to the limited group of ministers of the Church of England then in the Province and their dependence upon voluntary contributions for the support of their parishes. Yeo complained, also, of a lack of consecrated burial grounds, and urged that livings be provided by the government for ministers of the

Anglican Church, as in Virginia. Among other things, he asserted that there were but three Anglican clergymen in a colony of ten or twelve counties and of over 20,000 souls. In reply, Charles Calvert declared in the same year that he knew of at least four Anglican clergymen with "settled" plantations, and he intimated that there were others who were "maintained by a voluntary contribution of those of their own persuasion, as others of the Presbyterians, Independents, Anabaptists, Quakers, and Romish Church are."⁹

Yeo's letter, forwarded by the Archbishop to the authorities at London, was followed by a *Hue and Cry* pamphlet, or *Complaint from Heaven*, as its authors modestly described it, the same being a conglomerate of wild charges to the effect that for the love of private gain, Governors Berkeley and Calvert were protecting the Indians in their attacks upon the settlers; and that the latter had leagued himself with the French Catholics and the Indians to exterminate the Protestants. This inflammatory publication was evidently prepared by those inspired either by religious prejudices, or by political motives, or both. The charges were self-contradictory. If it were true that Berkeley was protecting the Indians, he, an ardent supporter of Anglican church and government, could hardly have been in league with "Papists" to destroy his own race and religion. In short, the charges were as ridiculous as those that provoked the mirth of Cecil Calvert at the time of the sailing of the *Ark* and the *Dove*. That earlier rumor did little damage; the new one, being printed, did; and Charles Calvert was neither so capable in meeting criticism nor yet so adept in dealing with such situations.

Previously to the issuance of the *Hue and Cry* pamphlet, the Council Chamber at Whitehall had drawn up a formal inquiry as to the condition of affairs in Maryland. To this the third Lord Baltimore, just arrived in England as the heir to his father's estate, made a most reasonable, and for the time

being, effective answer in a "paper setting forth the present State of Religion in Maryland." Two passages of this rejoinder may be here given:—

In every County in the Province of Maryland there are a sufficient number of Churches and Houses called Meeting Houses for the people there; and these have been built and are still kept in good repair by a free and voluntary contribution of all such as frequent the said Churches and Meeting Houses. That the Laws of that Province have been ever made by the advice and consent of the Freemen by their Delegates assembled as well as by the Proprietor and his Council, and without the consent of all these, no Law there has been made.

The greatest part of the Inhabitants of that Province (three or four at least) do consist of Presbiterians, Independents, Anabaptists, and Quakers, those of the Church of England as well as those of the Romish being the fewest, so that it will be a most difficult task to draw such persons to consent unto a Law, which shall compel them to maintain Ministers of a contrary persuasion to themselves, they having already an assurance by that Act for Religion that they have all freedom in point of Religion and Divine Worship and no penalties or payments imposed upon them in that particular.¹⁰

The above statement was substantiated by a "declaration prepared by reputable Protestants of the Province, who repudiated the "ill reports and foul aspersions . . . of inveterate, malignant, and turbulent spirits." Upon the standpoint of religious liberty they declared emphatically that they had no complaint. They further declared that they freely enjoyed all the "grand privileges" conferred by English law and custom "under Magna Charta;" that his Lordship's favors were impartially distributed; and that "places of honor, trust, and profit were conferred on the most qualified for the purpose and service, without any respect or regard had to the religion of the participants, of which generally and for the most part it hath so happened that the Protestants have been the greatest number."¹¹

This Protestant declaration called attention to the following: "The half of his Lordship's Council nearest to his person are Protestants, his late Governor Thomas Notly, Esq. and Benjamin Rozer, Esq. of his Council also lately deceased both Protestants, the major part of his Lordship's Commissioners or Justices of the Peace in each respective County within this Province Protestants; those likewise that have the charge of the Militia of this Province generally, or for the most part Protestants, vizt. Colonel Thomas Tailer, Colonel Henry Coursey, Colonel William Stevens, Colonel William Burges, Col: William Colebourne, Colonel Philaemon Lloyd, Colonel George Wells, Colonel Henry Jowles, and Colonel Chandler, nine Colonels or principal officers of the Militia all Protestants, and but Colonel William Calvert, Colonel Vincent Lowe, and Colonel Henry Darnell, (when present) only three of the romish persuasion Colonels or principal officers of the Militia within or belonging to the Province, in like manner all other Officers and places of honor or profit within this Province civil or military impartially and equally (if not for the most part on Protestants) conferred." The Declaration was dated May 13, 1682, and was signed by Thomas Tailer, William Stevens, William Digges, Thomas Burford, Attorney General, Phillip Lloyd, Joseph Rousby, Kenelm Cheseldyn, Richard Ladd, William Burgess, Joshua Wickes, Jonathan Sibery, George Wells, William Hatton, Henry Smith, Henry Trippe, John Hynson, J. Waterton, Jone Stone, James Mills, Bartholomew Ennalls, Nathaniel Garrett, James Dashiell, Roger Wolford, John Brooke and John Llewelin.

Shortly after Charles Calvert had returned to the Province in 1678, the Proprietary was called upon to face an incipient rebellion. This was instigated chiefly by former Governor Fendall and John Coode, and it may have been associated, in part, with the "malignant and turbulent" element to which the Protestant Declaration referred. As in a previous time,

Fendall's attempt at rebellion was ill managed and of little consequence; but his conviction of conspiracy on this occasion is unique in that it offers us the first court trial in Maryland of which a stenographic report was made and preserved. It was prepared by John Llewellyn, whose appointment and note-taking is described by Lord Baltimore as follows:

This is the trial of Josias Fendall, a person that in the year 1659 was my father's Lieutenant General and Chief Governor of Maryland; but, having most perfidiously broke his Commission and taking another from the Country, was fined and rendered forever incapable of bearing any office in this Province, which, in those times, was the utmost punishment my Father's Justices would inflict on him, since that, he hath (when fit occasions presented) endeavored a mutiny, and truly this last July had almost brought matters ripe for it. In regard he was always esteemed a subtle, cunning person, and by most believed that, at his trial, he would make a great defence, I commanded the Clerk of the Council, John Llywellin, (who writes shorthand), to sit with the Clerk at the Provincial Court to take his trial for the satisfaction of persons here.¹²

Details bearing on the actual or alleged conspiracy are difficult to clarify. Suffice it to say that the jury found Fendall guilty. He was fined and banished from the Province. Coode escaped punishment and caused trouble a few years later. However, it is interesting to note that in Charles Calvert's description of the affair, he calls Fendall and Coode "two rank Baconists." From a Virginia standpoint, at least, this appellation would be considered commendatory; but as Lord Baltimore regarded the matter, Nathaniel Bacon and his ideas represented rank rebellion; and he adds, had they not been checked, "this Fendall had certainly joined with Bacon and then Maryland had been embroiled and ruined as Virginia was."¹³ It is not unnatural that Charles Calvert should be impressed with Governor Berkeley's point of view.

Resistance to the arbitrary rule of Berkeley was one thing in Virginia, quite another in Maryland under the milder sway of the Proprietary, even though it may be admitted that Charles Calvert was inclined to autocratic control and that he showed considerable lack of confidence in popular government.

During this period of "dangerous ferments," Lord Baltimore was again unfortunate in the choice of his lieutenants, or in the matter of those who acted for him. By way of summary, Christopher Rousby had been his selection for customs collector, and Rousby worked in harmony with Nehemiah Blackiston, another collector of Customs, who was the Proprietary's most bitter opponent in the Province. Colonel George Talbot, his relative, had killed Rousby (*supra*); and, finally, William Joseph, who was sent over from England to succeed Talbot, was the most unfortunate selection of all. However, it must be borne in mind that the Lord Proprietor was in the position of endeavoring to serve two masters: the autocratically inclined Roman Catholic king, James II, who was inimical to Calvert; and an increasingly rebellious element in the Province, some of whom were "turbulently" democratic, others professional sectarians. It would have been far better for the Proprietary had he kept the Jacobite Joseph in England as an emissary at Court; certainly, Lord Baltimore could not have selected a more tactless individual as his public representative in Maryland. Much of Joseph's first address to the General Assembly was, in effect, an argument for the divine right of kings, which he illustrated in the following provocative challenge to the self-governing American colonists:

There is no power but of God; and the power by which we are assembled here is undoubtedly derived from God to the King, and from the King to His Excellency the Lord Proprietary, and from his said Lordship to us. . . . Kings, Gentlemen, are the Lord's Anointed and are by God appointed over us to rule.

He then gave out the royal order prohibiting the export of bulk tobacco out of the colonies,—an order which the Virginia Assembly had refused to approve. Anticipating objections in Maryland, Governor Joseph declared that it was “indeed unbecoming subjects, to call in question the proceedings of the King.”¹⁴

Nothing like this address had been heard in Maryland, either under the Founder of the Province, or under his son. On the one hand, Joseph proclaimed blind obedience to the king; on the other hand, his address abounded in the homilies of the Puritan preacher, exhorting the delegates against swearing, “Sabbath-breaking,” and drunkenness, the last being described as “a sin of all sins the most dangerous.” This very ardent apostle of reform wished to put drunkenness on a par with stealing a loaf of bread and the murder of the baker, for both of which, in England, the extreme penalty was the same; *viz.*, death. It would seem that, in one way or another, Governor Joseph offended all whom he addressed. Those who might have approved of his Puritan homilies were certain to be offended by his proclamation of the infallibility of Princes; on the other hand, those who believed in liberal government were equally offended by his proposed interference with individual liberty and freedom of conscience. All alike were probably offended by his intimations of treason in case they objected to the alleged right of the king to control and regulate colonial trade. It would appear, also, that the new Deputy-Governor had been reading, before he left London, the allegations of immorality in the Province, which were so luridly set forth in the “Complaint from Heaven.” Assuming that these or similar allegations were true, he lectured the House of Burgesses at great length on the sins of the people, for which the vengeance of Heaven might be visited upon the land in the form of plagues, pestilence, and famine. These wholesale accusations of evil practices may be compared with the statements of George

Alsop a few years before, when the Province was extolled as a land almost free from the immorality that characterized conditions in the Old World. Of course, there were instances of immoral conduct in the Province. Doubtless there were glaring examples in conspicuous places; but it must be remembered that even the severely ascetic Pilgrims had to contend with the "Merry Mount" and a "Maypole," to say nothing of Governor Bradford's surprising exposure of the scandalous reaction against the earlier strictness, which he sets forth in the latter part of his *History of Plimmouth Plantation*.

Trouble arose immediately in the Lower House, which twice refused to take the oath of fidelity to the Lord Proprietor. The members were called into the Upper House and censured by the Deputy-Governor, who told them that their action not only involved an implication of treason or rebellion, but rendered them liable to banishment, fine, or imprisonment. Joseph soon discovered, however, that he was dealing with an even more refractory and independent parliament than the king had in the mother country. The Lower House, after first declaring their readiness to take the oath, not from fear of penalty, but according to the law, passed a resolution to the effect that they had already complied with all necessary requirements in the matter. This was all that Joseph could get out of the Burgesses, although he prorogued the Assembly for two days, in order that the members might take the oath as private citizens.

Furthermore, Governor Joseph made it known that King James's Privy Council had ordered the Lord Proprietor not only to proclaim throughout the Province the birth of an heir to their Majesties, but also to set apart annual thanksgivings for this "infinite blessing." The Lower House, obdurate in matters of prerogative or of political principles, was persuaded to pass an act for the commemoration of June 10, the birthday of the Prince; but there can be little doubt that

any public acclaim decreed by the delegates was observed with as much private reservation by the settlers of the Province as by the majority of the people in England. They were called on to rejoice over the perpetuation of the rule of James II, which, to a probable majority, was fast becoming unendurable.

A few months after the forced celebration of the birth of the Prince, destined to be known as "the Pretender," James was forced to flee the kingdom, and William and Mary were proclaimed the rightful successors to the throne of England (1688-'89). Immediately, Lord Baltimore,—still in England, where he continued to live during the remainder of his life,—dispatched a messenger with an order to the Provincial Council to proclaim the new sovereigns. Fate, however, seemed to be working against the Proprietary, over and above his own mistakes; for the messenger died on the way. Consequently, while the other colonies were proclaiming the accession of William and Mary, Maryland remained silent. Although a second messenger was sent out from England, the mischief had been done. In the Province, the dissatisfied elements, which included those who sought profit for themselves and those who were sincerely suspicious of evil and who had viewed with distrust the restriction of suffrage and the rise of special privilege, saw their opportunity and seized upon it. In the first place, no little excitement had been aroused by the wildest kind of reports, linking the fact that Maryland had not acknowledged the New Protestant sovereigns with the rumor that Catholics and Indians had entered into some kind of conspiracy to reenact in the Province a general "massacre" as of St. Bartholomew's Eve. It was alleged that Henry Darnall, of Lord Baltimore's Council, was a leader in this plot; but Colonel Darnall promptly and courageously "ranged" from place to place to convince the people by appearing in person that the rumor was false. To illustrate the absurdity of some of these charges, the follow-

ing excerpt is taken from an official letter of the deputy-governors: "Your Honor will find the deposition of one John Atkey, who swears that he did hear Fyffe say that he did hear Sharpe say that he did hear the Eastern Shore Indians, when they were drunk, say that they were hired by Col. Darnall to fight against the English, but being asked, when they were sober, they would not say any such thing."¹⁵

After the matter of the reported conspiracy had been investigated and declared utterly without foundation, a number of the more prominent Protestants, some of whom had signed the preceding "Declaration" of confidence in Lord Baltimore, put out another such statement to the effect that all this alarm was "but a sleeveless fear and imagination, fomented by the artifice of some ill-minded persons who are studious and ready to take all occasions of raising disturbances for their own private and malicious interest." John Coode was the principal leader of these "ill-minded people," of whom it has been said that he "had been a Roman Catholic and then a Protestant; once a clergyman, and now a blatant and blasphemous atheist."¹⁶ The Indian rumors had been started and laid at rest in March, 1689; but suddenly in July, Coode, with Baltimore's long-time foe, Nehemiah Blackiston, appeared before St. Mary's City with armed and organized supporters; and the provincial records were seized in the name of a body of "Associators", who prepared at once to administer the government in the name of King William.

The members of the Council took refuge at Mattapany, where, unable to offer any effective resistance, they surrendered. All appointive offices were forthwith filled with Protestants and a declaration of the motives of the Associators was issued. This was a lengthy document issued from the press of William Nuthead presenting therein the first instance of propaganda, issued by a political party, that appeared in printed form in the British-American colonies.

Because of previous errors of wide circulation originating in the older histories of Maryland, with many reverberations in press and forum, it seems desirable at this point to trace the history, and what may be called the 'comparative priority,' of the work of William Nuthead. J. Thomas Scharf has two references to alleged printing presses, one brought into the Province contemporaneously with the arrival of the first settlers; and one about 1660. Scharf's unsupported and evidently unwarranted statements are thus disposed of by Mr. Lawrence C. Wroth, in his carefully documented *History of Printing in Colonial Maryland*:

The habit which Colonel Scharf had of jumping to his conclusions is well illustrated by his relation of the story of a later press (*circa* 1660), based upon an "act for the publication of all the laws within this Province," passed in the Assembly of 1660. He assumes that the word "publication" as used here meant *printed publication*. Mr. James Walter Thomas has pointed out (*Chronicles of Colonial Maryland*, 2d ed., p. 58) that if Scharf had read more than the title of this act, he would have seen immediately that publication by voice proclamation was specifically prescribed.

On the other hand, Mr. Thomas himself fell into error when, in correctly criticising the Scharf blunder, he asserted that the printing press set up at St. Mary's was "probably the first" not only in Maryland; but also *in America*." As a matter of fact, William Nuthead had previously pursued his trade at Williamsburg, Virginia; but, upon experiencing trouble there, he had transferred his activities to Maryland. Furthermore, a printing press had been set up at Cambridge, Massachusetts, as early as 1638.¹⁷

In the "Declaration" of 1689, there were many statements that were certainly false; though some complaints were based on encroachments upon representative government that had taken place under Charles Calvert's proprietorship. In any case, the Associators, or some of them, pro-

ceeded to threaten, plunder, and imprison sundry citizens,—liberal Protestants and liberal Catholics alike,—of which proceeding Charles Carroll, Nicholas Taney, and others complained in their correspondence with Lord Baltimore and with friends in England.¹⁸

A battle of "addresses" to William and Mary followed; and the Associators fully realized that if they should not be sustained by the Crown, it would go hard with them; therefore, they were the more desperate. Accordingly, they induced the counties—except, strange to say, Anne Arundel, which had largely promoted the rebellion under Cecil Calvert—to send addresses to the king urging him to take the government of the Province into his own hands. Counter petitions were prepared by the Proprietary's supporters, and the latter had a surprising number of names thereon, considering the risk they ran in thus objecting whilst in the power of their political opponents.*

In addition to the addresses of the Associators, there was another general address directed to the king, which was drawn up by a committee appointed by the new Assembly in order to set forth more specifically and fully the real and alleged grievances of the people. Thereupon, William of Orange proceeded to act upon the complaints. In the first place, James II had himself begun proceedings to annul Baltimore's patent. Therefore, William III, a Protestant, could not be accused of being unduly prejudiced, if he carried out against a Catholic Proprietary the general policy which his Catholic predecessor had inaugurated. Consequently, at an early meeting of the Privy Council, the king requested the Lords of Trade and Plantations to recommend the best course to pursue with the proprietary provinces of Maryland, Pennsylvania, and Carolina in order to provide for the

* In the "memorandum of [Richard] Smith's case" the statement is made in reference to Anne Arundel County "in which there is not five papists, they would not choose Burgesses at Coode's Command".¹⁹

better defense of the colonial possessions against the menace of the French, who had at this time succeeded the Spanish in the effort to dominate Europe and a great part of the New World. A month later, a special decision was asked for in the case of Maryland, and action thereon was hastened by the appearance of the address of the Associators, which furnished the pretext for the annulment of at least one of the proprietary patents. Also word came from John Coode, self-styled "Commander-in-chief of his Majesty's forces in Maryland," reporting that some of those interested in the deposed government had murdered John Payne, one of his Majesty's Collectors of Customs. The report falsely added that Payne was killed in the discharge of the duties of his office, whereas he appears to have been acting under a warrant from Coode. In addition, news came from New York to the effect that the Indians were on the war-path there and had massacred the inhabitants of Schenectady. Under pressure, therefore, Lord Chief Justice Holt, in June, 1690, handed down an opinion which stated, in effect, that though it would be more proper, perhaps, to proclaim the forfeiture of the charter on some special ground, subsequently to an inquisition or investigation, "yet since there is none, and it being in a case of necessity, I think the King may, by his commission, constitute a governor whose authority will be legal, though he must be responsible to the Lord Baltimore for the profits."²⁰

Under the new régime, Lord Baltimore's prerogatives were reduced to those of a landlord, entitled only to the rents of his estates, the quit rents of the tenants, and impost duties on tobacco.

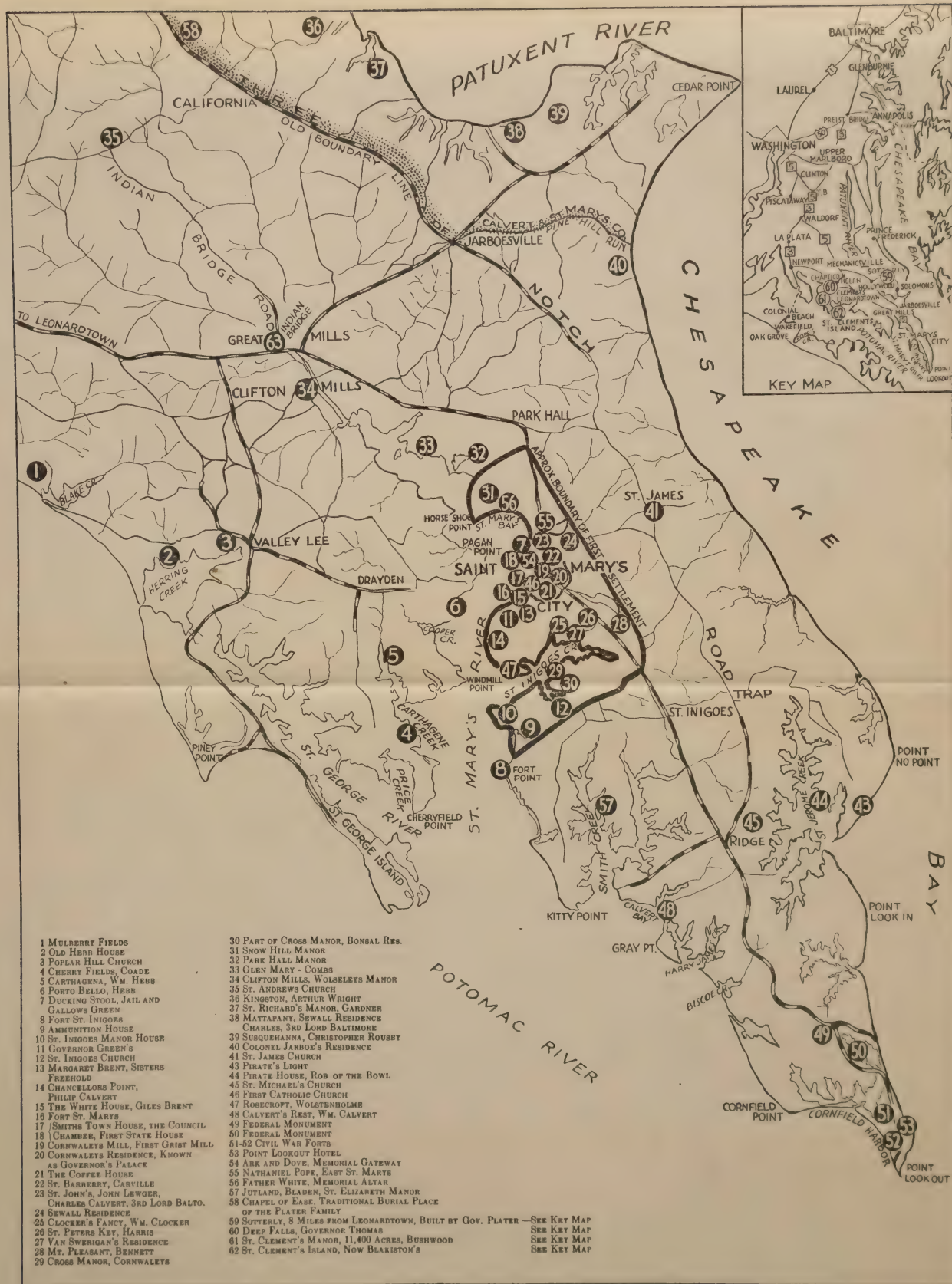
Judging by the evidence, by all the evidence, and by nothing but such evidence, an impartial judge must confess inability to appraise with finality either the character or the cause of John Coode. Some degree of centralized restraint serves to offset certain definite debits on the side of widespread disorder; and not a few writers have credited him with praise-

worthy motives in leading a revolt against alleged favoritism in high places and undoubted disfranchisement of those of low estate. With regard to suffrage limitations instituted under Charles Calvert, however, it should be added that in his statements Coode failed to stress, or even mention, this matter. It has been truly charged that Charles Calvert appointed a number of relatives to office; on the other hand, that he filled government positions with Catholics is refuted in detail by the pro-Calvert Protestant declaration of 1682 (*supra*). The charge that the frontier was not properly protected against the Indians may or may not be sustained; there is not sufficient data from which to draw definite conclusions. Subsequent Governors, representing the Proprietary, or even His Majesty, brought similar accusations against the popular or Lower House of the Assembly; and for their attitude in this matter the Burgesses claimed good and sufficient cause.²¹ Without proof of intentional neglect, this charge against Charles Calvert falls by weight of analogy. The accusation most vehemently made by Coode—that of plotting with the French and Indians, under cover of which the revolutionist leaders appealed to a general fear of attack and to natural animosities and religious prejudices—has no substantiation whatever. That Coode made use of the charge comes dangerously near to putting upon him the stamp of demagogue; for it is difficult to think that intelligent Englishmen would believe such accusations brought against their neighbors. It is, perhaps, a fair estimate to assert that Coode was a man of considerable ability and ambition, but unscrupulous in the ways and means of carrying on a movement which had some justification; but which, by and large, was opposed by the majority of the leading planters and merchants, who seem to have been caught unprepared by the suddenness of the uprising, coming, as it did, upon the unwitting failure of the Proprietary to proclaim the accession of William and Mary, whom Coode assumed to represent.

Had the messenger arrived ordering immediate allegiance to the new régime, there might, indeed, have been no uprising or immediate excuse therefor; for in Coode's letter to the Earl of Shrewsbury, the former falsely asserts that the Catholics of the colony were "publiquely for the late King James, whom they still soe much magnify." As has been seen, the "late King," though Catholic, had proved himself no friend of the Calverts. There is some possibility that Coode honestly confounded the purposes of James II, to whom there was much opposition in the Province, with those of Charles Calvert, to whom there was but comparatively little. The blunders of Deputy-Governor Joseph lent color to such an idea, as did also the high-handed conduct of George Talbot.

It appears that, in England, Coode had set about preparing himself for the priesthood of the Anglican church. In Maryland, however, there is no proof that he acted in that capacity. When his seat in the General Assembly was, according to Maryland law, challenged, he asserted he was no priest. On the other hand, if his subsequent testimony, as reported under Governor Nicholson, is to be accepted, he had actually been ordained. Simultaneously, he is alleged to have been blasphemous, thus giving Nicholson, with whom Coode had sundry encounters, a chance to banish him. Coode, however, was said to be addicted to drink;²² and Nicholson was noted for trumping up charges, as in the case of Philip Clarke, the first of the noted array of colonial attorneys who, at the risk of life and living, upheld the principles of self-government against attack from monarchical or Parliamentary infringement.²³ Except for undignified conduct, the mere fact of falling out with the tyrannical Nicholson was certainly no disgrace, and there were sundry very excellent men who stuck by Coode after he was forced into comparative obscurity.

Even though we freely grant the 'reactionary' political practices that appeared during the proprietorship of Charles



MAP OF ST. MARY'S COUNTY SHOWING POINTS OF HISTORIC INTEREST
Especially prepared by J. Spence Howard, C. E., for the Maryland Tercentenary

Calvert, the majority of the accusations of the Associators, designed to discredit the third Lord Baltimore, are at least vigorously denied, if not altogether disproved, by the recorded statements of leading citizens of several of the counties of Maryland, some writing as individuals, others protesting in groups. It is, therefore, proper to present pertinent excerpts from a series of letters addressed to persons of authority in the mother country; from Coode, the leader of the revolution; from those who objected; and from those who accepted the outcome of a new order, so that from these original papers the reader may draw his own conclusions.*

Shortly after Coode had seized control of the capital, he wrote "From His Majesty's Garrison at Mattapany in Maryland," on September 22, 1689, a letter in which he relates to the Earl of Shrewsbury that he had "had the happynes to serve His Majesty in the quality of Commander in Chiefe of His Majesty's forces in this Province by the order and appointment of the representative body of the whole Province in a generall Assembly As to what relates to the French attempts against His Majesty's province and subjects here, [I] make bold to informe your Lordship, that all possible and convenient care has been taken against our late popish Governors here in defence of their Majestyes soveraigne right and title to this Province, the protestant religion, and the lives and libertyes of His Majestyes Subjects here, which we had sufficient reason to thinke in danger of being undermined and betrayed by the hopes and encouragement [of] the papists here, as well as elsewhere."²⁵

From this it will be seen that Coode claimed as authority for his action in overthrowing the Proprietary government

* After telling the story of the "tragick comedy of rebellion," which Peter Sayer summed up in a letter to Lord Baltimore: "I think I have given your Lordship trouble enough to spoile your next meal," Sayer added: "Yett, my Lord, this comfort remains still, that the best men & best Protestants such as Coll: Coursey, Coll: Codd, Coll: Wells, and a great many others (men of the best Estates, & real professors of the Protestant Religion) stand stiffly up for your Lordship's interests."²⁴

the *subsequently* secured approval of a packed Assembly. He pretends not only to have acted in defense of the sovereign right and title of the Crown; but also on behalf of the very lives, as well as the liberties, of the people; and particularly did he proclaim himself the champion of "the Protestant religion," which, under both Calvert régimes, had never been interfered with, except insofar as no church was permitted to become a state-supported institution. The remainder of the long letter is given over to the rumors of a threatened attack by the Catholic French, such as would tend to arouse the people of the Province and prejudice the new sovereigns against the old order.

Of the Coode movement Nicholas Taney wrote, September 14, 1689, to the wife of Richard Smith, a courageous woman preparing for the hardship of a transatlantic voyage to lay the case before the authorities in England:

I doubt not but you have heard what pretence those Gentlemen who lately took up armes heere in Maryland in their Majestie's names, (to pull down the lawful authority of the Lord Baltemore heere, which he held under their said Majestys) makes for my confinement in prison along with your husband, I therefore heereafter wright downe the heads of the whole (*vizt*); at the first of my knowing of their taking up armes which was sometime in July 1689, I endeavoured with what arguments I could use to persuade all people, but chiefly Col. Jowles (my now chiefe enemy) to lye still and keepe the peace of the Countrey untill their Majestys pleasure should be knowne, for that I looked upon it to be rebellion for persons heere without order from their Majestys to take up armes against the lawful authority which then rested in the Lord Proprietary under their Majestys.²⁶

The Taney letter was an appeal to the Charter as well as to reason. On September 25, Charles Carroll wrote to Lord Baltimore:

I believe your Lordship has ere now had some intelligence either by Captain Burneham or Johnson of the strange rebellion your

ungrateful people of this your Lordship's Province have involved themselves in, moved by the wicked instigations of Code, Jowles, Blackston, Cheseldyn, Parson, Thurling and severall others to that degree that they have quite unhinged your Lordship's Government and (as if there were noe justice to be had but such as they please to distribute, or as if the whole body of the Lawes were to be annulled by their wild fancyes) have taken upon themselves to declare your Lordship's charter forfeited as your Lordship may see by their malicious declaration (which the Bearer will shew your Ldp). They have further taken upon themselves to give Comissions to Sheriffs and Justices of their own stamp, and constitute other Officers both civill and military utterly excluding not only all Roman Catholiques from bearing any office whatsoever (contrary to an express act of Assembly) but alsoe all Protestants that refuse to joyne with them in their irregularities, imprisoning such of them as declare against their illegal proceedings, and arbitrarily threatening to hang any man that takes upon him to justify your Lordship's right. They have assumed the power of calling an Assembly the Election of which was in most Countyes awed by their souldiers, one County disowned their power and would chuse noe members but in fine they have packed up an Assembly.²⁷

The letter refers definitely to three of the Associators—Coode, Thurling, and Jowles—as men of scandalous lives. Subsequently, seventeen citizens of Kent County—among whom were Colonel Henry Coursey, Robert Hemsly, and Thomas Ringgold—addressed a letter to King William which refers to the signers as “*the ancient* Protestant Inhabitants;” namely, the older Protestant families who had collaborated with the Roman Catholic proprietary and liberal fellow-religionists in maintaining a government devoted to practicing the principle of freedom of conscience. The letter also feelingly lauds the “halcyon dayes under the imediate Government of Charles Lord Baron of Baltemore, and his Honourable Father.” After referring to Charter rights, the undersigned petitioners declared that:

Lord Baltimore and his Honourable Father, equally and indifferently [impartially] administered Justice, favour, authority,

and preferment to and upon your Majesties Subjects of all persuasions. . . . We abhor and detest the falsehood and unfaithfulness of John Coode and others his associates and Agents, who first by dispersing untrue reports of prodigious Armies of Indians and French Papists, invading us did stir up unjust Jealousies, and dismal apprehensions in the less cautious sort of people of this Province, and then having thereby created unnecessary fears, and disposed the people to mutiny and tumult, made further insurrection, and extorted the lawfull Government from the Lord Proprietary, who was always as ready to redresse our Grievances as we to complain, and now the said John Coode and his accomplices having assumed the Government upon themselves and procured a Convention to be tumultuously assembled did tyrannically imprison, restrain and turn out of civil and military Commission, several of your Majesties good Subjects of unquestionable Loyalty and affection to the Church of England who approved not of his Actions, and who might justly by your Majesties proclamation have continued in authority and done your Majesty good service.²⁸

This petition was signed by citizens of Kent County. A like paper, signed only by Thomas Smithson, Thomas Hopkins, and Robert Goldsborough, was addressed to the "King and Queen's most excellent Majesty;" but other copies addressed to King William were signed by some forty-nine citizens of Talbot County, this list being remarkably representative of the leading family names of the Eastern Shore, such as Courcy, Macklin, Kent, Tilghman, Tongue, Lambert, Hambleton, Wells, Wetherby, Whittington, Harrison, Evans, and Dawson.

Another petition for the restoration of the Proprietary government was signed by nearly two-score citizens of Baltimore County and confirms the impression that by far the majority of the substantial planters were pro-Calvert, practically all of whom inscribed their names, whilst those appearing on the opposing declarations included many who "made their marks" only and who may not have known what they were signing in this battle of letters and statements in-

tended to influence the authorities in England. The Cecil countians wrote:

One John Coode and his Complices, intending not only our former peace (confirmed us by your Majesties most happy Accession to the Crown) to disturb, but also the Government, violently and by force of Armes have wrested out of the hands of the said Lord Baltimore and his Deputies under pretence of several grievances and because our Consciences would not admitt us to joyn with those persons in so false a Charge, wee are daily threatened with Imprisonment and to have our houses broke open and rifled. Also, those protestant Gents who for their discretion, sober life and good repute were made Justices of the Peace (not only in this County but the Province in general) are displact whilst Illiterate Persons and persons of evil life and conversation are by them made Justices in the Courts of Judicature and Commanders also of the Militia.²⁹

There were other individual, group, and county protests; and no one of these is more lucid and interesting than that contributed by Barbara Smith, to whom reference has been made:

Upon the 25th of March last, a rumor was spread abroad about the mouth of Puttuxent River that ten thousand Indians were come down to the Western Branch of the said River, whereupon my husband went up to the said Western Branch, where he found no Indians; but there a strong report that nine thousand were at Matapany and at the mouth of Puttuxent and that they had cut off Capt. Bournes' family and had inforted themselves at Matapany,—which was all false.

Upon these rumors the Country rose in arms, but after diligent search and enquiry in all parts of the Province, this rumor was found to be only a sham; and no Indians anywhere appeared to disturb or molest any of the people of our Province.

All which reports I do verily believe were designedly spread abroad to incite the people to rise in arms, as afterwards by the like sham they were induced to do. For in the latter end of July fol-

lowing, one Capt. Code, Col. Jowles, Major Beal, Mr. Blackiston, with some others, appeared in arms and gave for their pretence that the Papists had invited the Northern Indians to come down and cut off the Protestants and that their descent was to be about the latter end of August when roasting ears were in season, and that they, therefore, rose in arms to secure the magazine of arms and ammunition and the Protestants from being cut off by the said Indians and Papists.

This was their pretence to those they found very apprehensive of the said Indians. To others they said their design was only to proclaim the King and Queen, but when the aforesaid persons, with some others, had gathered together a great number of people they then came out and seized upon the government, who withstood them first at St. Maryes in the State House where the Records are kept, whom the said Code and his party soon overcame and seized upon the Records. From thence he proceeded with his party to Matapany House, wherein Col. Darnall with some forces, as many Protestants as Papists, had garrisoned themselves, but were soon forced to capitulate, surrender and yield to the said Code and his party.

They having thus possessed themselves of the Government, one Johnson, Master of a Ship being bound for England, they gave him charge he should carry no letters but what was sent for themselves, and my husband they arrested and put in prison for fear he should go for England with the said Johnson to give an account of their proceedings; and as soon as the said Johnson was gone, they released him again. The said Code and his Complices then sent out letters to all the Counties of the Province to choose an Assembly; what was done in the rest of the Counties, besides Calvert and Ann Arrundell, I am not acquainted with; but when the said Letters for the choosing of Burgesses came to our Sheriff to summon the people for that purpose, he refused the same. They then went to Mr. Clegatt, Coroner, and he also refused (who are both Protestants) whereupon Col. Jowles rode about to give the people notice himself.

When the County were come together, most of the House Keepers agreed not to choose any Burgesses, and drew up an abhorrence against such proceedings, the which election was also

much opposed by our Sheriff. Whereupon Col. Jowles gathered his soldiers and caused the election to be made by the number he had, which was not above twenty, and of them not above ten that were capable of electing. Col. Jowles himself and Major Beal, his next officer, were returned for two of the Burgesses elected, and because Mr. Taney, the Sheriff, and my husband endeavored to oppose the said election, the said Code caused them to be put in prison.

Neither for this election nor in their cause did almost any of our County appear that were men of estates, or men of note; but they, to the contrary, published an abhorrence against such proceedings and were themselves as are most of our County Protestants. The County of Ann Arrundell, which is accounted the most populous and richest of the whole Province, and wherein is but one papist family, unanimously stood out and would not elect any Burgesses.

About the 21st of August, the Assembly of their calling met, before whom was brought Mr. Taney, our Sheriff, and my husband; and Capt. Code and his Complices having pretended they had the King's Proclamation for what they did, my husband demanded to see the same; but their answer was, 'take him away, Sheriff.' Mr. Taney likewise asking them by what authority he was called before them, Code answered, 'What! this is like King Charles and you are King Taney, take him away!' Notwithstanding upon the said Code's rising (as before is said), their pretence was chiefly to secure the Country against the Indians, yet all this while not until my coming away which was the 26th of September last, there was not the least appearance of any foreign or home Indians coming to disturb us. What was their further proceedings in their Assembly I am not able to give any account of, but Mr. Taney and my husband were detained prisoners at my coming away.³⁰

In March, 1691, William III gave a commission to Sir Lionel Copley as the first royal governor of Maryland. Whereupon, the once independent province formally became a royal colony, and Lord Baltimore merely a landlord or landowner without civil authority. Prior to this, the draft of Copley's commission had been prepared by the Attorney General for the Committee of Trade and Plantations and was

sent to Charles Calvert for his approval. Lord Baltimore asserted his right under his charter to appoint a governor for his Province; and that he was willing to appoint, if desired, "a Protestant of unquestioned repute for Governor, as likewise Protestants of very good repute to be the Council, and to repose the command of the militia and magazine of arms and ammunition in the hands of the Protestants."

Undoubtedly there were some good men enlisted on the side of the revolutionists. These had become greatly alarmed over the attitude and actions of James II, who appeared to be aiming at a greater measure of autocratic rule than that which had characterized the reign of James I. They feared that under the Catholic James prosecutions would be begun in the name of the Roman church, and that the freedom which was enjoyed by all faiths under the Calvert regime would be curtailed. The ablest representative of this group was a Presbyterian layman, Colonel Ninian Beall, who had risen from a condition of indenture to one of influence and affluence. In the Johns Hopkins University Studies of Historical and political Science of 1890, No. 3, the Rev. J. Wm. McIlwaine wrote, in "Early Presbyterianism in Maryland," that Beall may claim to be called the father of Presbyterianism not only in Maryland, but also in America. Be this claim as it may, Colonel Beall gave powerful support to Coode's cause, whilst openly expressing his condemnation of the slanders concerning Lord Baltimore and the alleged alliance between the Maryland Catholics and the French and Indians.³¹

It is worth interpolating that Beall had been driven from Scotland by religious and political persecution. In Maryland, after working out a term of service to Richard Hall, he not only acquired and developed large landholdings, but established an iron works, together with a flour mill. He also was a professional surveyor. Because of his strong opposition to James II, it was natural for him to unite with Coode's

"Association in Arms for Defense of the Protestant Religion and for Asserting the Rights of King William and Queen Mary." On the other hand, it is doubtful whether he approved the wholesale disfranchisement that followed, when soldiers representing the Associators controlled the polls.*

Finally, there were a number of addresses drawn up to welcome William and Mary. These "addresses" followed the general formula with regard to the customary eulogy. Some of them were content with the eulogy, others made charges against Lord Baltimore and his co-religionists, although the most vehement of these latter was signed only in the name of the county clerk. When all of these matters are taken into consideration, it is impossible to indict the entire group of citizens concerned in the overthrow of the proprietary government. In part the movement was indicative of the same sentiment in England, which had definitely led to the final repudiation of the Stuart dynasty. Unhappily, in the clash of warring interests, Charles Calvert was crushed between the opposing forces, the victim of circumstances over which he had no control.

There followed some pretence of giving a fair and legal hearing both to Lord Baltimore and to certain deputies who had come over from Maryland, but the Lords of the Privy Council ordered, February 12, 1691, that the "draft of a Commission prepared by Mr. Attorney General and approved by the Lord Chief Justice Holt, constituting Colonel Lionel Copley to be their Majesty's Captain General and Governor in Chief of the Province, and territory of Maryland in America be transmitted to the Right Honorable the Viscount Sidney one of their Majesty's principal Secretaries of State, who is to cause the same to be prepared for their

* In Maryland, military force, with a view to intimidating prospective voters was not used during the War for Independence; and soldiers were not again posted for such purposes at the polls until the War of Secession, one hundred and seventy-odd years later.

Majesty's Royal signature in order to pass the great seal of this Kingdom." In the absence of King William, Queen Mary signed Copley's commission, after which it passed under the Great Seal on June 27, 1691.³²

Governor Copley arrived at St. Mary's early in 1692 (N.S.) and the government was turned over to him by Coode and the so-called Convention of Associators. Copley forthwith appointed a Council and called a General Assembly which, controlled as it was by the revolutionary party, formally thanked William and Mary for delivering them from "a tyrannical Popish government under which they had long groaned." The grievances that they named need not be recounted at length; for the unfairness of many of the allegations may be illustrated by the following passage as to the settlement of the Province:

It being Chiefly peopled at first by Unpeopling their Majesties Colony of Virginia invited in hither with their families and Estates by a Snare; fertile Soil; and the Specious pretence of Liberty of Conscience.³³

Such was the first special proceeding of this revolutionary Assembly. The second formally established the Anglican Church and abolished the practice of religious toleration which had been promoted by Catholics and Protestants ever since the founding of the Province—except during the decade in which the Puritans held control. This Act was continued in force down to the Revolution, except for sundry modifications which, from time to time, were introduced; for example, in 1702, a (limited) toleration clause was inserted in the re-enacted bill, by which Protestant dissenters were exempted from penalties and disabilities and given the right to have special meeting houses, provided they paid their forty pounds of tobacco per poll in support of the Established Church. The ten counties of Maryland were divided into parishes and all the "taxables," or inhabitants subject to tax,

were compelled to contribute to their support. Those who held the reins of power were insistent upon the passage of laws in restraint of Roman Catholics. These laws were so severely restrictive that they failed of approval by the Crown. In fact, William III had, in his instructions to Copley's successor, under date of March 8, 1693, said: "You are to permit liberty of conscience to all."³⁴ Nevertheless, the group in control of affairs in the Province, doubtless fearful lest their partisan proceedings should react against them, continued to promote or create vexatious regulations with a view to restricting not only the public religious exercises of Roman Catholic priests, but also the civil privileges of Roman Catholic laymen.³⁵

Very little is known about Governor Copley's abilities as an executive or of his character as a man. He was an invalid from the beginning of his colonial career, so much so that he had to leave his duties largely to his Council, the members of which fell to quarreling among themselves. Constant controversy must have added much to the distress of the sick Governor, who wrote to the Governor of New York that he had been confined to bed for seven weeks with an illness so severe that he could not hold a pen.*

One notable thing in American history which "every school boy knows," or at least has had opportunity to learn from his text-books, is the old story of the difficulties which practically all of the royal Governors of the American colonies had in collecting their salaries. In each of the colonies,

* Copley had first won the regard of William III by his success in securing Hull and holding it for the Orangemen. If little is known about his career, even less was known about his mortal remains until recently, when investigation brought to light the location of the last resting place of the first royal Governor, and the tomb was appropriately marked under the auspices of the Maryland Society of the Colonial Dames of America. Governor Copley's wife had died shortly after her arrival at St. Mary's of "a Sharp and tedious fitt of Sickness," whereby, as he wrote Andros, then Governor of Virginia, "he was left to the lamentable Circumstances of a disconsolate Widower."—*Archives VIII*, 478-9.

at one time or another,—almost continuously in some—these liberty seeking Anglo-Celts reenacted in their respective spheres their ancestors' struggles with the British kings; for the colonial assemblies, like the British Parliament, held the purse strings, and the assemblies endeavored to control the actions of the Governors or gain privileges by withholding payments. Prior to his arrival in the Province, Governor Copley had learned of the experience of other royal governors. This is evident from the terms of his opening address in which the second sentence reads:

Amongst the laws that you are to make, I must recommend to you this particular which is in my instructions, to wit: The raising further supplies for the support of the Governor for the time being and defraying the necessary charges of the Government: I conceive it will be an advantage to the country as well as satisfaction to myself to know what you intend for me to support the honor of the post the King hath placed me in and to reduce that, and also the allowances to the gentlemen of the Council and Assembly, to a certain fund. . . . I hope you will come short of none of our neighboring colonies in any thing of this nature.³⁶

In Maryland it appears that trouble about the salaries of royal appointees cropped up simultaneously with their arrival and many of the "Associators" who were most ardent in seeking the overthrow of the Proprietary might appropriately have compared themselves with the children of Israel, who, having set aside their judges, soon complained of the yoke of the king whom they had so insistently demanded "to rule over them." The first of these salary troubles arose in the case of Sir Thomas Lawrence, who had accompanied Copley as Royal Secretary for the Colony. Sir Thomas had been given to understand that he was to have all the funds enjoyed by the Secretary of Lord Baltimore under the old Proprietary regime. Part of these funds the Assembly diverted to the Governor for governmental necessities, which

left very little for the Secretary. The latter proceeded to make up the deficiency, believing that, if the home authorities would not give him a decent support they doubtless expected him to get it any way he could. Accordingly, he put out a number of the old administration clerks from their positions and substituted his minor son and others of his adherents, letting their assistants do the work, of which they themselves were not capable. To others of the older appointees, he offered reappointment if they would divide their salaries with him. Consequently, Secretary Lawrence was charged with the sale of offices and with bribery and corruption. The Governor and his Council supported the protests of the objectors, and Sir Thomas was put under arrest for "several high crimes and misdemeanors." However, after his case was passed upon in the mother country, he was restored to authority, becoming, for a brief period, Copley's successor, on the latter's decease.³⁷

The whole matter of official salaries was, at the outset of royal administration, in great confusion, and only gradually was it straightened out. The Privy Council believed that the colony should bear the burden of its own government. The Maryland colonists did not seriously object to this, but many of them did not wish to pay rent to the banished Proprietary. Accordingly, they had transferred to the support of the new Government the incomes that the Lords Baltimore had drawn from the Province. Some of these they claimed the Proprietary had not come by properly, as the Port Duty, for instance, which they declared to be really a "Fort" duty levied by the Assembly for colonial defense, now wrongfully flowing into his private coffers. The British Council, after deliberation, decided that the Proprietary must be paid his moiety of the duties on shipping and on tobacco exported but have the court dues and fines only from the manors which he personally owned.

One provision of the Copley administration contains what may be called the beginnings of the modern American Coast Guard. Soon after his arrival, the Governor learned that his rights and perquisites under his Commission were being violated by certain groups of whalers and others living in neighboring colonies who at suitable seasons visited the shores of Maryland and appropriated the bodies of whales and other fish which had drifted ashore. In addition, they had seized valuable wreckage and aroused the indignation of property owners along the coast by cutting down forests and otherwise trespassing. Governor Copley thereupon appointed Edward Green of Somerset County as "Chief and only Officer under me for the taking, seizing, and cutting up, and trying the blubber, and making such other use and benefit as you shall think fit or possibly can for the most advantage, of all such drift whales or other fish, and of all or any other drifts, wastes, or wrecks whatsoever as shall at any time hereafter happen to come or be cast on shore on the seaboard side within the limits and jurisdiction of this Province." Of the profits from these and from other fish and wreckage, Green was to have one-third and the Governor two-thirds.³⁸

Lionel Copley died in September, 1693. Francis Nicholson, who had been appointed Lieutenant-Governor of Maryland in 1691 was due to succeed Copley. Although Nicholson was then in England, he had already had considerable experience in colonial affairs, having been Deputy Governor of New York prior to the revolution of 1688-9, when he was appointed Lieutenant Governor of Virginia, to be superseded by Sir Edmund Andros in 1692. Upon Copley's death Andros claimed the Governorship of Maryland. Although the Assembly denied his claim, which was only valid in the event of the death of Nicholson, Andros, in his usual arbitrary fashion, seized the government, but held it only for a few days, when he returned to Virginia and Colonel Nicholas Greenberry of the Council assumed the reins of office as President,

to be succeeded, *ad interim*, May 7, 1694, by Secretary Sir Thomas Lawrence.*

Governor Nicholson arrived in Maryland in 1694. He convened the first Assembly under his administration at Anne Arundel Towne, soon to be known as Annapolis. This action the more easily paved the way for the permanent removal of the seat of government from St. Mary's to the banks of the Severn. When the proposal for the transfer of the colonial capital came up before the people of St. Mary's and lower Maryland, they prepared a "humble address" in which they stated the reasons for the maintenance of the first capital, whilst they tried to offset the arguments of the opposition. First, they began by referring to its ancient rights and privileges as set forth by the Founder of the Province. Second, they enumerated the advantages of St. Mary's as a safe and defensible harbor against attack, its exceptionally pleasant and healthful site, and the public improvements there established, such as the State House and prison, which had "cost the country at that time three hundred and thirty thousand pounds of tobacco." Third, they "moved his Lordship with their free offering of one hundred thousand pounds of tobacco towards the erecting and building for his Lordship a dwelling house at West St. Mary's convenient and adjacent to the said City which sum of tobacco they duly and punctually paid and complied with." They called attention to the fact that in the year 1683, the courts and assembly had been removed to "the ridge in Anne Arundel County;" but, because of the distress of all for lack of proper accommodations, the experiment had dismally failed. Fourth, that the expectation of the expansion of the original capital had caused many settlers to make investments in comparatively poor land near the site of the city; and that the transfer of the seat

* One of the accomplishments of the Copley administration lay in the restate-
ment of provincial law, and preparation for the better preservation of the Court
and Assembly and Law records.

of government would tend to impoverish these and destroy the effect of the improvements created, and that it was highly advantageous to have the Capital "contiguous to its neighboring colony of Virginia, with whom a mutual intercourse and correspondence is most undeniably necessary and material." Fifth, there was the difficulty of removing the records, together with the cost of building new courts and offices. Sixth, the people of St. Mary's would offset the disadvantage of a non-central location by providing "a coach or caravan or both to go in all times of public meetings of Assemblies and provincial Courts, every day daily between St. Mary's and Patuxent River and at all other times once a week and also to keep constantly half a dozen horses at least, with suitable furniture for any person or persons having occasion to ride post or otherwise with or without a guide to any part of the province on the Western Shore."³⁹

The signatures to this petition included individuals and groups that previously had been in violent opposition to each other. Catholics and Associators alike signed the address; and the name of John Coode was affixed to the document beside that of Robert Carville. Also among the subscribers is to be noted a Henry Wriothsley, which was the name of the third Earl of Southampton, the first patron of Shakespeare and the right hand man of Sir Edwin Sandys in establishing political liberty at Jamestown.

To this earnest petition the Assembly, evidently composed for the most part of those who had fully determined to make the change, returned abrupt and final reply, in the course of which they said that the reasons adverse to the proposed change as given in the "address" were "hardly deserving any answer at all." They went so far as to speak of St. Mary's City as "this corner and poorest place of the Province," whereas the proposed new site was referred to as "the center and best abilitated place thereof." It was stated, also, that "the being of St. Mary's so near Virginia is not so great

an advantage to the Province as the placing the courts in the center and richest part of the same, which is no great distance from thence or Virginia either and nearer New York and other Governments which we have as much to do with as Virginia if not more, and the place as well watered and as commodious in all respects as St. Mary's." The Assembly made the following sarcastic reference to the suggestion of the free public caravan: "This House believes that the general welfare of the Province ought to take place [precedence] of that sugar plum and of all the Mayor's coaches, who, as yet, has not one."⁴⁰

REFERENCES

CHAPTER I

¹ Charter of Maryland §'s X, XVIII.

² The Complete Works in Verse and Prose of Samuel Daniel, Vol. I, pp. 241, 255-6.

³ Referring to the meetings of the Institute of Pacific Relations held during the 1920's, Charles P. Howland, in an address before the English-Speaking Union of the United States, observed that although these conferences were held in the Orient, the delegates chose English as the official language of the general meetings, and for all collaboration between delegations,—*Common Speech*, Vol. II, No. 3.

⁴ Cf. Charles Mills Gayley,—*Shakespeare and the Founders of Liberty in America*,—p. 42 *et seq.*

⁵ Matthew Page Andrews,—*A Heritage of Freedom*, p. 24.

⁶ For reprints of documents pertaining to this period see Alexander Brown,—*The Genesis of the United States; The First Republic in America*.

⁷ Cf. *The Pageant of America*, Vol. I, pp. 7, 8, 16, 17, 20, 29, 31, 32, 33, 160, 161, 190, 191.

⁸ Cf. Alexander Brown,—*English Politics in Early Virginia History*.

⁹ Eggleston, *Beginners of a Nation*, Book I, 17.

¹⁰ Pollard, *Political History of England*, Vol. VI, pp. 184-185; Lingard and Belloc,—*History of England*, p. 50 *et seq.*

¹¹ Frances Elizabeth Baldwin, *Sumptuary Legislation and Personal Regulation in England*, p. 248 *et seq.* Cf. also, Francis Twigge's "Humble Petition of Two Sisters, the Church and the Commonwealth, for the restoring of their Ancient Commons and Liberties," 1604, Pollard, *op. cit.*, VI, 370.

¹² A. F. Pollard, *op. cit.*, VI, 316.

¹³ Daniel, *op. cit.*

¹⁴ For a quarter of a century, Elizabeth dallied with Philip II, to whom she subscribed herself as "sister and perpetual confederate."

¹⁵ The religious differences of the seventeenth century led to the creation, directly or indirectly, of six of the thirteen Anglo-American colonies.

¹⁶ "Places in the household he mostly reserved for his Scottish courtiers, and mere knighthood he lavished on Scots and English alike until the dignity became almost ridiculous,"—F. C. Montague, Pollard, *The Political History of England*, Vol. VII, p. 5, *et seq.*

CHAPTER II

¹ Address to the clergy, 16 January, 1604

² Montague—Pollard, *op. cit.*

³ Cf. Clayton C. Hall,—*The Lords Baltimore and the Maryland Palatinate*.

⁴ The complete title of the Virginia-London Company was "The Treasurer and Company of Adventurers of the City of London for the First Colony of Virginia."

⁵ Cf. Andrews, *History of Maryland, Province and State*, pp. 45, 655-6.

⁶ Calvert's letter to Buckingham, "Fortescue Papers," p. 98; Howard, "Collection of Letters," p. 57.

⁷ Cf. Neill, *Virginia Carolorum*.

⁸ Brown, *The First Republic in America*, p. 534.

⁹ Arthur Percival Newton, Rhodes Professor of Imperial History, University of London, comments on the Neill quotation as follows: "This is utterly and perversely wrong. Calvert was the least of sycophants. He was known to his contemporaries as an upright man who without being stiffly correct like Winwood would never fawn upon the favorites. It was left to his colleague Conway to do that. We never get from Calvert's pen the repulsive sycophancy that streams so readily from Bacon's,"—marginal notations on the manuscript of this volume, 1932.

CHAPTER III

¹ Cf. Calvert Papers, 1628; III, Charles I, 20 March.

² The traditional comment of Cresap has sundry verbal variations.

³ Cf. Lewis W. Wilhelm,—*Johns Hopkins University Studies in Historical and Political Science*, Third Series, p. 315.

CHAPTER IV

¹ *Relatio Itineris*, Fund Publication, No. 7, p. 20.

² Excerpts from the Willard A. Baldwin facsimile of the Lord Baltimore's *Declaration* of 1633, with an introduction and commentary by Lawrence C. Wroth, the original tract being [1929] in the possession of his Eminence the Cardinal Archbishop of Westminster."

³ Cf. Cloberry Papers, Maryland Historical Society.

⁴ The quotations are taken from the *Relatio Itineris* of Father Andrew White. The translation of the Latin version in *Maryland Fund Publication* No. 7, is used to supply details not given in the prescribed English version.

⁵ See discussion on proposed titles, *supra*.

⁶ Confusion has prevailed as to the location of *Boavista*, given as "Bonavista" in the *Relatio Itineris*. It has been generally supposed that it lay off Angola, an African province, which formerly stretched much farther north. Undoubtedly, Boavista in the Cape Verde Islands is meant.

⁷ *Maryland Fund Publication*, No. 35.

⁸ Chesapeake, in the "Ojibwe" (Chippewa) dialect, *Tchiss-a-big*, means a long sheet of water, wide in the middle, or towards one end, and tapering at the other. *Fund Publication*, No. 7; *Johns Hopkins University Studies*.

⁹ *A Relation of Maryland.*

¹⁰ *Cf. Maryland Colonization Tracts*, Lawrence C. Wroth, pp. 546-549.

CHAPTER V

¹ *Cloberry Papers*, IX, 17.

² Hall, *Narratives of Early Maryland*, p. 88.

CHAPTER VI

¹ Although "old style" dates have hitherto been given for these early sessions, the "new style" year, beginning the first of January, is herein followed; adherence to the old style has led to much confusion.

² *Archives*, I, 2.

³ Investigators working in Maryland county records, coming upon statements of the election of clergymen to the House of Burgesses, have frequently ascribed their rejection by that body to "English law." *Cf.* "Unearthing Church Lore of old Somerset County," *The Baltimore Sun*, December 11, 1932.

⁴ *Archives* I, 4 *et seq.*

⁵ Leonard Calvert, presiding.

⁶ *Archives, Assembly Proceedings*, I, 9.

⁷ *Ibid*, I, 9.

⁸ James McSherry, —*History of Maryland*, B. B. James revision, 1904, p. 32.

⁹ *Papers*, p. 115.

¹⁰ According to Mr. William B. Marye, this *lyon* was a North American panther.

¹¹ *Archives* I, 53, *et seq.*; 159.

¹² *Ibid*, XLIX, 315.

¹³ *Cf.* William Gowans' edition of Alsop's "A Character of the Province of Maryland," p. 90. See, also, Lord Baltimore's comment on provincial conditions at the time of the proposed cessation of tobacco planting, (*supra*). It should be borne in mind that a very large proportion of these indentured servants were entitled to as much consideration as to position and educational attainments as their masters. The entire Plymouth Colony—popularly known as the "Pilgrim Fathers" were bound out to service to those in England who furnished them the means of passage.

¹⁴ *Archives, Assembly Proceedings*, I, 70.

¹⁵ *Archives, Assembly Proceedings*, Vol. I, 74. With regard to this provision, Bozman, the first formal historian of Maryland, writes: "That the 'lord of every manor' should also be entitled to a seat in the legislature, demonstrates an intention of the first rulers of the province, often before signified in other instances, to create an hereditary aristocracy in the province,"—*History of Maryland*, Vol. II, p. 153.

¹⁶ *Archives*, Vol. I, 71. *Cf.* Robert Vaughn's deposition in *Maryland Provincial Court Records*; Vol. F. F. 550; also, Skirven, *Pioneers of the Colonial Eastern Shore*, *Maryland Historical Magazine*, Vol. XV, p. 231.

¹⁷ *Archives*, Vol. I, 72.

¹⁸ *Ibid*, IV, 9-10.

¹⁹ *Ibid*, I, 78.

CHAPTER VII

¹ "It would be better to live under the government of Maryland than under the government of Virginia, because they might carry their commodities and their tobacco and pipe staves into what country they would, which Virginians could not,"—From address by Robert Evelin to the settlers at Kent Island, *Cloberry Papers*, IX, 30.

² *Council Proceedings, Archives*, III, p. 24.

³ *William Claiborne*, p. 74 *et seq.* Captain Henry Fleet was active in early Maryland counsels. Vacillating from one side to the other, he finally went back to Virginia and died in Lancaster County. It is of especial interest to note that the above-mentioned deposition is signed by George Calvert, Lord Baltimore's younger brother, with Frederick Winter for Maryland; and by Samuel Mathews, John Utie, William Pierce, and Thomas Hinton on behalf of Virginia.

⁴ *Council Proceedings*, III, 29. A few weeks previously, under date of July 22, a Committee of the King's Council had addressed a communication "to our loving friends, the Governor and Council in Virginia" in which they stated: "We have thought fit to let you know, that his Majesty, of his royal favour, and for the better encouragement of the planters there, doth let you know, that 'tis not intended that interests which men have settled when you were a corporation, should be impeached: that for the present they may enjoy their estates with the same freedom and privilege as they did before the recalling of their patents; to which purpose also, in pursuance of his Majesty's gracious intention, we do hereby authorize you to dispose of such proportions of lands to all those planters, being freemen as you had power to do, before the year 1625." *Chalmers' Annals*—quoted also by Scharf, *History of Maryland*, p. 105.

⁵ *Archives*, III, 34.

⁶ *Maryland Archives*, III, 41; documents and correspondence from Public Record Office, London.

⁷ "Sainsbury Papers," III, 137.

⁸ *Maryland Archives*, III, 42; documents and correspondence from the Public Record Office, London.

⁹ *Maryland Archives*, III, 43, documents and correspondence from the Public Record Office.

¹⁰ S. F. Streeter, *The First Commander of Kent*, p. 28.

¹¹ *Cf. Council Proceedings, Archives*, III, 71, 72.

¹² *Ibid*, p. 78.

¹³ Hazard, *Col. State Papers*, I, 493.

CHAPTER VIII

¹ George Boniface Stratemeier—*Thomas Cornwaleys, Commissioner and Counselor of Maryland*, p. 207. *Studies in American Church History*, Catholic University of America. William Hand Browne,—*George and Cecilius Calvert*.

² March 23, 1641 (O. S.) *Archives*, I, 120.

³ *Court and Testamentary Business, Archives*, IV, pp. 245-6.

⁴ *Ibid*, IV, 232-3.

⁵ *Journal of the House of Lords, Archives*, III, 166.

⁶ *Archives*, IV, 189.

⁷ *Papers*, p. 267.

⁸ Claiborne was then waging war against the Pamunkey Indians.

⁹ Having at least the informal approval of Governor Berkeley, Leonard Calvert was able to get together an armed force, with which, according to Streeter, he surprised the Assembly, took Hill and all the members prisoners, and received the prompt submission of the people. On the other hand, Bozman (followed by Scharf) who may have seen papers since destroyed or lost, declared that the Assembly "had been adjourned before Governor Calvert regained the government;" but that its membership was reconvened by Calvert immediately upon his arrival.

¹⁰ *Archives, Assembly Proceedings*, I, 209.

¹¹ Streeter, *Papers*, p. 273. Although the overthrow of Proprietary authority on the island and at St. Mary's City has been frequently termed the "Claiborne-Ingle Rebellion," the connotation is misleading; for there is no proof that Claiborne had anything to do with Ingle or even approved of his usurpations. Neither one collaborated with the other, although each automatically aided the other to bring their respective plans to a successful, though temporary, conclusion.

¹² *Archives*, I, 215.

¹³ William Hand Browne, *Maryland: A History of a Palatinate*, p. 64

¹⁴ Cf. *History of Maryland*, Vol. I, 195. Not, however, fully substantiated by records known to the author.

¹⁵ *Archives*, I, 238-9.

¹⁶ *Archives*, IV, p. 320-21.

¹⁷ According to Bozman, there was a "river called *Coan*-river in Northumberland County in Virginia, emptying into the Patowmack, nearly opposite to St. Mary's river in Maryland. This seems, most probably, to be the place from which Mr. Hill dated his letters. *Appamattox*, another place mentioned in his letters, might have been the same as *Mattox* creek in Westmoreland county, higher up the Patowmack, on the Virginia side,"—*History of Maryland*, II, 308.

¹⁸ Cf. Bozman, *op. cit.*, Vol. II, p. 333.

¹⁹ Cf. *Maryland, The Land of Sanctuary*, p. 182. (Cf. Chapter XII, *infra*.)

CHAPTER IX

¹ *Archives*, I, 131.

² "The Nanticoke Indians of Maryland were first encountered in 1608 by Captain John Smith. They then occupied the peninsula between the Atlantic Ocean and the Chesapeake Bay"—F. G. Speck, *Indians of the Eastern Shore of Maryland*. It may be noted that the powerful Susquehannocks claimed dominion over a considerable part of the Eastern Shore—a kind of overlordship. In the treaty of 1652, they ceded this territory, now comprising the sites of Chestertown, Centerville, and Easton. Scharf, *History of Maryland*, Vol. I, p. 137.

³ The same page (113) *Liber P. R.*, carries entries concerning "licenses" granted to Indians such as: "A License granted to an Indian called Peter to carry a gonne for the use of John Lewger,"—*Archives*, III, 143, 144.

⁴ There is no record in the Maryland Archives of any such previous expedition.

⁵ *Archives, Assembly Proceedings*, I, 173; 182.

⁶ The query may be brought up whether Governor Calvert, on his part, had previously objected to any such informal proposal from a councillor or private citizen. The Assembly had manifested objections to raising any armed forces "levied" in the manner prescribed by him; hence, the Governor, from his point of view, might have thought it dangerous to encourage the precedent of the formation of a popular or volunteer army. Under the new régime, certain members of the Council had blocked a plan for an aggressive campaign, substituting therefor the equipment of "good marksmen" to be posted upon Palmer's Island.

⁷ Lieutenant Lewis may have been at least once again successful in dealings with or in battles with the Indians; for a special committee brought in a report to the Assembly of 1650 of charges to be paid "Will Lewis for his attendance & bringing down Indians the last year"—additional details which seem to offer circumstantial evidence as to the general correctness of the author of *New Albion*.

⁸ "A mistaken policy had, it seems, suggested to the English and Irish Catholics, to pay court to the Puritans, by joining in their wishes for the destruction of the established Church. In avoiding Scylla they fell upon Charybdis,"—Bozman, *History of Maryland*, Vol. II, 202.

⁹ Cf. Browne, *George and Cecilius Calvert*, p. 127 *et seq.*

¹⁰ *A Description of the Province of New Albion, Force's Historical Tracts*.

CHAPTER X

¹ Henry Morley—*More's Utopia*, p. 151. Cf., also, *Sir Thomas More*, by the Rev. T. E. Bridgett, p. 101 *et seq.*

"Let no one molest another. What the soul of each one counsels, that let him do,"—Constantine: *Proclamation to the Peoples of the East*, A. D. 323. Luigi Luzatti, —*God in Freedom: Studies in the Relations between Church and State*; Suarez, &c.

² Newton D. Mereness, *Maryland as a Proprietary Province*, p. 426.

³ Story of conversation with James I.

⁴ Cf. William T. Russell, *Maryland, the Land of Sanctuary*, p. 42 *et seq.*

⁵ James I had engaged Secretary Calvert to aid him in the preparation of theological polemics, to which his Majesty was particularly addicted. This experience may also have given Calvert a permanent distaste for religious controversy.

⁶ *Calvert Papers*, 171, 173.

⁷ *Calvert Papers*, 7; *Fund Publication*, No. 28, Maryland Historical Society.

⁸ Cf. Browne, *Maryland: the History of a Palatinate*. It is but fair to state that this is but one of scores of similar statements concerning this measure.

⁹ *Archives*, I, 246.

¹⁰ *Provincial Court Records*, 1658–62; *Archives* XLI, 454–457. *Archives*, III, 488, p. 470, p. 521; IV, p. 521.

¹¹ Winsor, *Narrative and Critical History*, III, p. 370.

¹² *Archives*, IV, p. 35–36.

¹³ Russell, *op. cit.*, p. 96. The earliest reference to the building of a house of worship is found in Cecil Calvert's "instructions," that the settlers should: "First make

choice of a fit place, and a competent quantity of ground for a fort within which, or near unto it, a convenient house and a church, or a chapel adjacent may be built."

¹⁴ *Archives, Assembly Proceedings*, I, 119. By "first minister," the Assembly must have meant the first Anglican clergyman. The grant of St. Clement's Island was made to Thomas Gerrard in 1639 as part of St. Clement's Manor. His daughter, Elizabeth, married Colonel Blackiston, by whose name the first landing place came to be called.

¹⁵ Some of the Quakers, it may be added, caused considerable trouble on account of their scruples as to the taking of oaths, the filling out of legal forms, the doffing of hats in court; and, finally, and most important, as to taking part in war or in preparations for defense. It was for these reasons that, during the brief proscriptive, and one may say, the uncharacteristic, Fendall régime (*infra*), severe laws were passed against them, to the point of at least threatening whippings and banishment. Fendall and his advisers, at odds with Lord Baltimore's policies, may have deemed these laws necessary for the preservation of the colony; but thereafter they were done away with in practice, so that there was no prosecution in Maryland, even though the Quakers went about to persuade others not to obey important legislation concerning juries and the administration of the courts.

¹⁶ Joseph Hergenrother,—*The Catholic Church and Christian State*, II, 353.

¹⁷ *Op. Cit.*, 170. Correspondence with Rev. J. Elliott Ross, Chaplain of the Society of the *Ark* and the *Dove*, to whom the author is indebted for many valuable suggestions in reviewing the manuscript.

¹⁸ Hughes (p. 263) refers to the "first instalment of intruding" (non-Jesuit) Catholic clergy as being sent over by Lord Baltimore in 1643; *viz.*, Rev. Fathers Gilmett and Territt.

¹⁹ *Calvert Papers*, No. 7, p. 166.

²⁰ *Calvert Papers*, I, p. 213. "Those of the Hill," *viz.*, the Jesuits; "Mr. White," Father Andrew White; "Kittamaquund," Indian "king."

²¹ *Calvert Papers*, Vol. I, pp. 219-20.

²² Hughes (General Archives), *History of Society of Jesus in North America*, p. 558. Browne, *Maryland Historical Magazine*, Sept. 1907.

²³ *Calvert Papers*, I, p. 166.

²⁴ *Calvert Papers*, I, 158.

²⁵ *Cf.* "Act for Church Liberties," *Maryland Archives*, I, 40.

CHAPTER XI

¹ *Cf.* Lewis W. Wilhelm, *Local Institutions of Maryland*, Johns Hopkins University Studies in Historical and Political Science, p. 312, *et passim*.

² A portion of the first statehouse was leased out as an ordinary or tavern,—Streeter, *Papers*, p. 15.

³ Hall, *Narratives of Early Maryland*, p. 88.

⁴ There is mention of "Frank Indian," who may have been part negro, or "inhabiting" with "divers others of the [negro] slaves of Philip Calvert,"—*Provincial Court Proceedings*, XLIX, 495. An apparent exception to the statement as to Indian slavery in Maryland is to be found in the Proceedings of the Provincial Court for

1658. Colonel Francis Yardley is reported as the owner of a plantation at "Portobacco in the Province of Maryland wholly attatched for the use of Capt. Cornwaleys." Yardley, a resident of Virginia, professed to own "two Indian slaves;" but when it came to settling debts, the said Indians were not delivered in Maryland, if they ever existed. A litigant in this matter was one Simon Oversee, frequently a troublesome neighbor to the widow Eltonhead. Oversee had the unenviable distinction of being prosecuted that same year on the charge of brutality to a negro,—*Archives*, XVI, 82 *et passim*.

⁵ Cf. J. C. Ballagh, *A History of Slavery in Virginia*; and John H. Russell, *The Free Negro in Virginia*.

⁶ *Archives*, XLI, 499.

⁷ Vol. I, Reports of the American Historical Association.

⁸ Percy G. Skirven, "Seven Pioneers of the Colonial Eastern Shore," *Maryland Historical Magazine*, Vol. XV.

⁹ *History of Maryland*, Vol. II, p. 133, footnote.

¹⁰ *Archives*, III, 307-8. In Kilty's *English Statutes*, there is a reference to an execution in 1685; but the records for that year have been lost, so that the statement cannot be verified.

¹¹ Letters of the Jesuit Missionaries, 1635-38, *Fund Publication*, No. 7, p. 91.

¹² Spelling modernized.

¹³ *Archives*, II, pp. 446-7, also Cf. *Ibid.*, pp. 425, 444.

¹⁴ Cf. Jesuit report of 1639.

¹⁵ *Fund Publication*, No. 7, p. 126. Father John Gravener (John Altham) went to Kent Island and the upper reaches of the Bay.

¹⁶ *Archives*, IV, 259, 263, 264, 265, 270, 271, 388.

¹⁷ *Records English Province*, S. J. V. 3, Series 7, p. 364; paper headed "cases," Vol. IV, Stonyhurst MSS. Copy held at Woodstock College, Woodstock, Md.

In the same way contemporary Anglicans indicated that the majority of the leaders of the colony were "recusants," or Roman Catholics.

¹⁸ *Archives*, III, 398, 486.

¹⁹ *Archives*, III, 481 *et seq.*

²⁰ *Character of the Province*.

²¹ *Archives*, II, 131.

²² *Archives*, II, pp. 14-15.

²³ *Archives*, XLIX, 139.

²⁴ *Archives*, III, 374.

²⁵ *Archives*, II, 42.

²⁶ *Archives*, I, 134.

²⁷ *Archives*, XLI, 139.

²⁸ *Archives*, XLIX, 327. Cf. Charles Mills Gayley—*Shakespeare and the Founders of Liberty in America*.

²⁹ Cf. Streeter, *The First Commander of Kent Island*.

³⁰ *Archives*, III, 470.

³¹ *Archives*, P. C. P., XLIX, 19 *et seq.*

³² *Maryland Gazette*, February 17, 1774.

³³ *Archives*, XLIX, 44.

- ³⁴ Cf. Shea, *History of Georgetown College: Memorial of the First Centenary*.
³⁵ Letter to author, May 14, 1926.
³⁶ *Archives*, III, 214; *Fund Publication*, No. 23.
³⁷ *Archives*, II, 139.
³⁸ *Archives*, I, 188.
³⁹ *Archives*, XLIX, p. 544, 143, 146.
⁴⁰ *Calvert Papers*, F. P. No. 28, p. 221.
⁴¹ C. P. 192; *Rent Rolls of St. Mary's County*.
⁴² Bozman, II, 323.
⁴³ *Calvert Papers*, No. 1, pp. 179-181.
⁴⁴ These women "attorneys" were not lawyers. A number of planters acted as attorneys for friends or fellow-colonists.
⁴⁵ *Archives*, XLI, 73.
⁴⁶ George Alsop,—*Character of the Province*.
⁴⁷ Carroll T. Bond.—*The Court of Appeals of Maryland*; see also Andrews, *History of Maryland, Province and State*, p. 227 *et seq.*
⁴⁸ *Archives, Assembly Proceedings*, II, 163 *et seq.*
⁴⁹ *Archives*, XLIX, 510.
⁵⁰ *Archives*, XXVI, *et passim*.
⁵¹ *Archives*, II, 149.
⁵² Governor Josias Fendall, presiding, *Archives*, XLI, 138.
⁵³ *Archives*, XLIX, 29
⁵⁴ *Archives*, XLIX, 113
⁵⁵ *Archives*, XLI, 161 *et seq.*
⁵⁶ *Archives*, XLI, 573 *et seq.*; I, 415.
⁵⁷ *Archives*, XIX, 557.
⁵⁸ *Archives*, XLI, 295.
⁵⁹ *Archives*, VIII, 32-35.
⁶⁰ *Archives*, XLIX, 566.
⁶¹ *Archives*, II, 383, *et passim*.
⁶² Here given partly as an example of an early building contract; and partly because of the fact that, on recommendation of the Maryland Tercentenary Commission, Governor Albert C. Ritchie and the General Assembly of 1933 provided for the reconstruction of the State House on the specifications of 1674.
⁶³ *Archives*, II, 404.
⁶⁴ *Archives* II, 404 *et seq.*

CHAPTER XII

¹ *Beginners of a Nation*, p. 252.

² A typical example of misunderstanding may be noted: all the credit given to Lord Baltimore in a widely used text-book in the high schools is that "Cecilus" was "obliged to protect his fellow religionists in Maryland by getting the Assembly to pass the famous Toleration Act" (sic). After pointing to the shortcomings of this enactment, the author adds: "Although this is the first act of religious toleration on the statute books of the American colonies, we should remember that Roger

Williams, thirteen years earlier, had founded Rhode Island on principles of religious toleration more complete than those of the Maryland Act; for, by the italicized words of the latter, Jews or freethinkers would be excluded from Baltimore's domain,"—David S. Muzzey, "*The American People*," p. 58.

³ *Beginners of a Nation*, p. 253.

⁴ Henning, I, 277.

⁵ For the list of Commissioners, exclusive of Captain Edmund Curtis, see *Archives*, III, 264. For authority in regard to the original mention of Maryland by name, and the subsequent omission, see John Langford's *Refutation of Babylon's Fall*, reproduced in Hall's *Narratives of Early Maryland*.

⁶ Cf. Latane, *Early Relations between Maryland and Virginia*, p. 174. For these Articles, see Henning's *Statutes at Large of Virginia*.

⁷ *Archives*, III, 275-6.

⁸ Bozman, Vol. II, p. 478.

⁹ *Archives*, III, pp. 311-313.

¹⁰ *Archives*, I, 340.

¹¹ *Archives*, I, 341. Cf. also, *supra*, Chapter X.

¹² *Archives*, I, 343. The name of Anne Arundel County was changed to Providence, and the Assembly ordered the erection of the County of "*Putuxent*,"—*Archives*, I, 341.

¹³ *Archives*, I, p. 355.

¹⁴ *Thurloe Papers*, I, p. 724.

¹⁵ Hall, *Narratives of Early Maryland*, p. 244.

¹⁶ Cf. Langford's *Refutation of Babylon's Fall*. Mrs. Stone contributes her ideas as to Governor Stone's intentions in proceeding to meet the Puritans at Providence, as follows: "My husband, I am confident, did not think that they would have engaged." She also declared that: "The gunner's mate of Heamans, since his coming down from Anne Arundell to Patuxent, hath boasted that he shot the first man that was shot of our party,"—See also, *Archives, Council Proceedings*, III, 315.

¹⁷ For reprints of the letter of 1656, see *Fund Publication*, No. 7, p. 92, and Hall's *Narratives of Early Maryland*, p. 141, *et seq.*

¹⁸ *Archives*, I, 388, 391.

¹⁹ Cf. Depositions of Miles Cooke and Samuel Tilghman, mariners, *Council Proceedings, Archives*, III, 387.

CHAPTER XIII

¹ George Alsop, *op. cit.*

² *Records*, Albany, XII, 503.

³ *Archives*, III, 365.

⁴ Cf. Herman's argument before Governor Fendall and the Maryland Council—*Journal of the Dutch Embassy*.

⁵ *Ibid.*

⁶ Cf. Scharf, *History of Maryland*, I, 252.

⁷ Cf. Dr. Henry J. Berkley, *Maryland Historical Magazine*, June, 1924.

⁸ *Archives, Assembly Proceedings* for April, 1662, I, 445.

- ⁹ *Archives, Assembly Proceedings* for April, 1666, pp. 143-144.
- ¹⁰ *Archives*, III, p. 505.
- ¹¹ *Ibid*, 506 *et seq.*
- ¹² *Archives*, III, 509.
- ¹³ *Archives*, V, 17.
- ¹⁴ *Archives*, I, 414.
- ¹⁵ *Archives*, I, 251.
- ¹⁶ *Archives* I, 413.
- ¹⁷ *Archives*, V, 252 *et seq.*
- ¹⁸ *Archives*, I, 455.
- ¹⁹ *Archives*, I, 123.

CHAPTER XIV

- ¹ *Archives*, II, pp. 168-9.
- ² *Archives*, V, 280-1.
- ³ *Archives*, I, 413.
- ⁴ *Archives*, II, 71, 72, 478.
- ⁵ *Archives*, II, 475, *et passim*.
- ⁶ *Ibid*, 493, *et passim*.
- ⁷ *Archives*, V, 135.
- ⁸ *Archives*, XLIX, 483.
- ⁹ *Archives*, XLIX, 483-4.
- ¹⁰ *Archives*, XLIX, 489.
- ¹¹ *Archives*, XLIX, 512, 513. Previously, (July 18, 1665), Charles Calvert had given notice that the "Courts intended to be houlden" on the first day of August would be adjourned until the following October, one of the reasons for the change being the "dayly incursions of the Indian Enemy into this Province." There were the crops to look after, and apparently also at that time of year, "ill accommodations att the Ordinary for the entertainment of persons to the Court House resorting." *Archives*, XLIX, 465.
- ¹² *Archives*, VIII, 5 *et passim*.
- ¹³ *Archives*, VIII, p. 461, *et seq.*
- ¹⁴ E. B. Mathews,—*History of the Boundary Dispute between the Baltimores and Penns Resulting in the Original Mason and Dixon Line, Maryland Geological Survey*, Vol. VII, p. 125.
- ¹⁵ *Maryland Archives*, V, 380.
- ¹⁶ *Proceedings of the Council, Maryland Archives*, V, 388, *et seq.*
- ¹⁷ Mathews, *op. cit.*, p. 135.
- ¹⁸ Fisher, *The Making of Pennsylvania*, p. 332.
- ¹⁹ Browne, *Maryland, the History of a Palatinate*, p. 138 *et seq.*
- ²⁰ *Maryland, the History of a Palatinate*, p. 144.
- ²¹ This apparently more or less arbitrary line seems to have had no bearing on the contentions of Lord Baltimore, but it caused no little trouble in the arguments of later years. Cf. *Maryland Historical Magazine*, III, 21, reproduced from the original manuscript in the possession of the Maryland Historical Society. See also *Pennsylvania Magazine of History*, VI, 414 *et seq.*; *Pennsylvania Archives*, II, Ser. Vol. XVI.

²² *History of the Boundary Dispute, op. cit.*; Cf. *Calvert Papers*.

²³ Cf. *Maryland Archives*, V, 305, *et passim*.

²⁴ *Archives*, V, 436. Another Royal customs collector was killed in the Province, under circumstances which showed clearly that the difficulty originated in a private quarrel. The offenders were duly punished in the province; but the incident certainly did not help the Proprietary's cause at Court.

²⁵ *Maryland Archives*, V, 457-458.

CHAPTER XV

¹ George Boniface Stratemeier,—*Thomas Cornwaleys, Commissioner and Counselor of Maryland*, p. 207; *Studies in American Church History*, Catholic University of America, Vol. II.

² *Calvert Papers, Fund Publication*, No. 28, p. 179. An interesting marginal note (March 4, 1933) from Father J. Elliott Ross, a direct descendant of the first settlers, and Chaplain of the Society of the *Ark* and the *Dove*, reads: "My sympathies are with Lord Baltimore in this controversy. Nevertheless, I think that as secular head of the state he was interfering in the ecclesiastical sphere when he introduced other priests, thereby falling short of the separation of church and state we now have." By way of rejoinder on the part of Lord Baltimore, it may be said that when this far-seeing statesman felt that the Jesuits' insistence upon temporal acquisitions endangered his policies, he believed the time had come for supplanting them with other or "secular" priests, as given in the records. Lord Baltimore himself answered the matter in his letter to his brother already quoted.

³ Pennsylvania was not established when the emissaries came over. The people of Rhode Island had not showed themselves overly-enthusiastic to Huguenots, "foreigners," or to the Quakers, possibly because encouraging the latter would have provoked dangerous resentment in Boston.

⁴ *Johns Hopkins University Studies*, 17th Series, p. 309. Cf. also, *The Labadists of Bohemia Manor*, by George A. Leakin, *Md. Hist. Soc. Magazine*, Dec. 1906.

⁵ *Early Presbyterianism in Maryland*, J. H. U. Studies, VIII, pp. 8-9.

⁶ *Archives*, XLI, 84.

⁷ Barbee, *op. cit.*; Thomas Lechford: *Plain Dealing, or News from New England*, p. 41 (1867 Boston).

⁸ *Ibid.*, II, p. 159, *et seq.*

⁹ *Archives*, V, 133.

¹⁰ *Archives*, V, 133, 134.

¹¹ *Archives*, V, 354.

¹² *Archives*, V, 311.

¹³ Letter to the Earl of Anglesea, July 19, 1681. *Archives*, V, 280.

¹⁴ *Archives*, XIII, 148.

¹⁵ *Archives*, VIII, 83.

¹⁶ Hall,—*The Lords Baltimore and the Maryland Palatinate*. Atheist or not, Coode prepared political slogans with the "religious" appeal.

¹⁷ Cf. Frederick W. Hamilton, *A Brief History of Printing in America*.

¹⁸ *Archives*, VIII, 118, *et passim*.

¹⁹ *Archives*, VIII, 149.

²⁰ *Archives*, VIII, 185. Cf. also, "At the Court at Whitehall the 21st of August, 1690. By the Lords of the Council; It is this day ordered in Council, that their Majesty's Attorney General do forthwith proceed by scire facias against the Charter of the Lord Baltimore Lord Proprietor of Maryland, in order to vacate the same,"—*Archives*, VIII, 200.

²¹ Cf. Andrews, *History of Maryland, Province and State*, p. 233 et seq.

²² "It's a pleasant thing to see the rascals in their cupps. Coad calls himself Massinella," &c., Letter from Peter Sayer to Lord Baltimore, *Archives*, VIII, 159.

²³ Cf. Andrews, *History of Maryland, Province and State*, p. 237 et seq.

²⁴ *Archives*, VIII, 161.

²⁵ *Archives*, VIII, 123.

²⁶ *Archives*, VIII, p. 118.

²⁷ *Archives*, VIII, 124.

²⁸ *Archives*, VIII, 128.

²⁹ *Archives*, VIII, 135.

³⁰ *Archives*, VIII, 153-4.

³¹ In the *Baltimore Sun*, March 23, 1930, David Rankin Barbee offers considerable evidence to show that the cradle of American Presbyterianism was established in Southern Maryland under the leadership of Doughty, Beall, and others, rather than subsequently (1683), under the Reverend Francis Makemie on the Eastern Shore. Barbee relates that the Presbyterian settlement about the present Upper Marlboro was called "New Scotland."

³² *Archives*, VIII, p. 233.

³³ *Archives*, XIII, 313.

³⁴ Cf. Skirven,—*The First Parishes of the Province of Maryland*; *Archives*, XXIII, 542.

³⁵ Cf. *Archives*, VIII, 17, 448, for the petition of Robert Carville, formerly Attorney-General of the Province, who was not allowed to continue pleading in cases begun before the restrictions upon Catholics had been imposed. See also Mereness, *Maryland as a Proprietary Province*.

³⁶ *Archives*, XIII, pp. 251-2.

³⁷ *Archives*, VIII, p. 500.

³⁸ *Archives*, VIII, p. 400.

³⁹ *Archives*, XIX, pp. 73-5.

⁴⁰ *Archives*, XIX, pp. 76-77.

APPENDIX

GEORGE CALVERT, FIRST LORD BALTIMORE

George Calvert, first of the Barons of Baltimore, was born in (or about) 1580. He was the son of Leonard Calvert, "a gentleman of means" living "near Danby Wiske at an estate called Kiplin in the Valley of the Swale, Yorkshire." His mother was Grace Cros(s)-land, albeit her name is often given as "Alicia."*

After graduation from Trinity College, Oxford, in 1597, he spent some years traveling on the Continent of Europe, evidently in preparation for a career in the diplomatic or other public service. Shortly after his return from the continent he was appointed secretary to Sir Robert Cecil, destined, as the Earl of Salisbury, to become one of the most influential figures in Great Britain.

In time, Calvert became successively Clerk of the Crown for the Province of Connaught and County of Clare in Ireland, 1606, and clerk of the Privy Council, 1608. That his talents were beginning to be generally recognized is shown by the fact that on the occasion of James I's visit to Oxford shortly after the coronation ceremonies, George Calvert received, in company with Sir Robert Cecil, the Duke of Lennox, and the Earls of Oxford and Northumberland, the degree of Master of Arts. In 1609 he sat in Parliament for Bos-siney, Cornwall. After he had been sent on a special mission to France, upon the accession of Louis XIII, he was engaged by James I to assist in the spiritual annihilation of the Dutch theologian, Vorstius. In the following year, he had charge of the correspondence with the governments of Spain and Italy. About this time, also, he was again sent to Ireland to report upon the grievances of the Catholics. In 1617, he was knighted for public services; and in

* Cf. *The Calvert Family*,—John Bailey Calvert Nicklin, Maryland Historical Magazine, Vol. XVI. The name *Grace* persisted in the Calvert family.

February, 1619, he was appointed a principal Secretary of State, succeeding his former patron, the Earl of Salisbury, of whose estate he had been made an executor upon the death of the Earl in 1612.

In 1621, Sir George was chosen a member of Parliament from Yorkshire through the influence of Sir Thomas Wentworth, whereupon he fell heir to the well-nigh impossible task of acting as intermediary between His Majesty and the House of Commons in the unremitting struggle which was to culminate in the Great Rebellion.

In the meantime, Calvert had become a member of the famous East India Company, and a subscriber to, and a member of, the Virginia Company; also, in 1621, he was admitted as a member of the Council for New England.

In 1625, he informed the king that he had become a Roman Catholic, and that he wished to resign his office and retire to private life. Much speculation has been indulged in as to when his change of faith occurred and by what means it was brought about. His sincerity, with the absence of selfish or personal gain, can scarcely be questioned. There was no material advantage to be had by abandoning the Anglican or established church of the realm, the more especially in view of the fact that at the time chosen by him for the announcement of his conversion, a new movement against recusants had just been launched in which he, as Secretary of State, would have had to take part. On the contrary, in making his confession of faith, and, at the same time, retiring to private life, he endangered both life and fortune.

The French ambassador, Tillieres, who had no reason to be partial to Calvert, described him as "an honorable, sensible, well-minded man, courteous to strangers, full of respect toward ambassadors, zealously intent upon the welfare of England, but by reason of all these good qualities, entirely without consideration of importance." The final phrase of Tillieres' comment appears to have meant that Secretary Calvert was not subject to flattery, bribes, or extraneous influences.

The king accepted Calvert's resignation with reluctance and insisted on retaining him as a member of the Privy Council, dispensing, in his case, with the oath of supremacy. His Majesty had rewarded Calvert's services several years earlier by granting him a

pension of one thousand pounds, and had issued to him a patent for a manor of twenty-three hundred acres in County Longford, Ireland, under the condition of conformity in religion. He was now permitted to surrender the patent and renew it, with the condition as to religion stricken out. Further to testify to his appreciation, the king elevated Calvert to the Irish peerage as Baron Baltimore of Baltimore in the County of Longford.

In 1623, Calvert obtained from James I a charter for Avalon, Newfoundland, and a settlement was made at Ferryland, about forty miles north of Cape Race. Lord Baltimore visited this colony in 1627 and again in 1628, taking with him on the second occasion his family, with the exception of his son Cecil. Abandoning the settlement of Ferryland to "fishermen," he reached Virginia in October, 1629. Returning to England, Charles I was persuaded to grant him a new charter for the Province of Maryland, north of the Potomac extending westwardly to the farthest source of the river and northward to the fortieth parallel. Before, however, the patent had passed the royal seal, Calvert died, April 15, 1632.

In 1605, George Calvert had married Anne, daughter of George Mynne of Hertfordshire, who died in 1622. He married again, but little is known of his second wife beyond her Christian name of Joan. His children by his first marriage were, Cecil, Leonard, Helen, Anne, George, Dorothy, Francis, Henry, Elizabeth, and Grace. Philip Calvert, chancellor (1660) and Deputy Governor of Maryland was the son of Joan.

CECIL CALVERT, SECOND LORD BALTIMORE

Cecil Calvert, second Lord Baltimore, as eldest son, succeeded to his father's estates in England, Ireland, and Avalon; also to the direction of his father's chief enterprise in America, the founding of the Province or Palatinate of Maryland. Like his father, Cecil entered Trinity College, Oxford, but no record has been found of his graduation. Judging by his early arrangements to settle property upon him, Sir George Calvert seems to have desired his son's early marriage with Anne, daughter of Lord Arundell of Wardour, one of the oldest families of England, confused by some commentators with that of the Earl of Arundel, of somewhat greater contemporary prominence. Presumably he became a Roman Catholic at

about the time his father did, and the Arundells had consistently held to that faith.

The Charter of Maryland passed under the royal seal on June 20, 1632; and thereafter Cecil Calvert devoted his life to the building up of this transatlantic enterprise, the story of which has been presented in the preceding pages, from which it seems clear that he and his father were dedicated to effecting a practical application of the principle of religious freedom and the separation of the functions or spheres of church and state. It was not so declared in the Maryland patent, but the acts and attitude of Cecil Calvert throughout his life serve to confirm the impression that such an ideal was his principal aim. George may be called the Projector of Maryland, while Cecil is eminently entitled to the distinction of being its Founder.

Although of charitable or even pacific temperament, Cecil Calvert was called upon to contend not only with political enemies at home but armed foes in his transatlantic possessions. Few were the years he was at peace; and since his earthly career came to a close on November 30, 1675, he did not live to see the machinations of James II that led to the cutting off of much of his Maryland Palatinate in favor of William Penn, followed by the loss of political control that Charles Calvert suffered at the beginning of the reign of William and Mary.

CHARLES CALVERT, THIRD LORD BALTIMORE

Charles, third of the Barons of Baltimore, born in London, 1629, was the son of Cecil Calvert. After having served as Governor of Maryland under his father, he succeeded to the Proprietorship in 1675. He married Jane, widow of Henry Sewell, of Matapany on the Patuxent. As Governor and as Lord Proprietary much of his attention was given to minor boundary disputes with Virginia, on the one side, and a major argument with Pennsylvania, on the other. Unlike his father, he spent part of his time in Maryland and part in England. James II was not well-disposed to him, favoring the encroachments of Penn. Following the English revolution of 1688, he was deprived of his proprietorship insofar as his political rights were concerned. Although in 1711 he petitioned the Crown to have the Province restored to him, his petition was refused, and he died at Epsom, England, in 1715.

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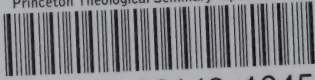
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